THE Public Interest

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Elijah Anderson

Why is Black Educational Achievement Rising?
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The story of John Turner

ELIJAH ANDERSON

I MET John Turner (a pseudonym), a twenty-one-year-old black man, a week before Thanksgiving in 1985. It was about two-thirty in the afternoon, and I was in a carry-out restaurant I regularly patronize. I had noticed this person behind the counter, in the kitchen, sweeping the floor, and busing tables, but I had not thought much about him. On this particular day, he stopped me, excused himself, and asked if he might have a word with me. I was surprised, but I said, "Sure. What do you want to talk about?" As he began relating what was on his mind, I saw that his story was relevant to more general social issues with which I am seriously concerned, and I asked his permission to tape the conversation. He consented.

Adapted from a chapter in Adele V. Harrell and George E. Peterson, eds., Drugs, Crime, and Social Isolation: Barriers to Urban Opportunity *(Urban Institute Press, 1992). None of the individuals in this account, except the author, are referred to by their real names.*

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John Turner was in "deep trouble" with the law. He was scheduled to appear for a court hearing in less than a week on charges that he had violated probation. He was very upset and was considering leaving town for Mobile, Alabama, where many of his "people" (relatives) lived. He said he would almost rather do this than appear "before the judge again," because he was sure the judge would send him away to prison for five years. I tried to advise him of the possible consequences of not appearing before the judge, saying he would be a fugitive from justice, in which case he would probably be hunted by the authorities; in any case, he would feel hunted. I pressed him to continue with his story.

John began with the history leading up to his predicament. He said that about two years earlier, he was seeing a young woman who lived outside his own neighborhood, in a territory of a rival group of boys. Philadelphia is said to be a "city of neighborhoods," but more than this, the young men of many individual streets organize informally bounded areas into territories. Then they guard the territories, defending them against the intrusions and whims of outsiders. These territories can become extensive, involving numerous other boys who then form larger corporate units that lend a certain structure to the general neighborhoods. Each neighborhood unit is responsible for the public behavior occurring within its boundaries. Members of the unit police the streets, harassing outsiders and strangers. It is not uncommon for a young man to walk up to a complete stranger, particularly a young male, and inquire about his business on the street or about who gave him permission to use these particular streets. If there is no acceptable answer, there may be a fight. The behavior of these young men has an impact on the crime rate of the respective areas; at times they commit the crime, at other times they discourage it. If they like a neighbor, they may protect him from assault; if they dislike him, they may rob his house or indicate to others that his house or car is fair game.

Local male groups claim responsibility over the women in the area, especially if they are young. These women are seen as their possessions, at times to be argued over and even fought over. When a young man from outside the neighborhood attempts "to go with" or date a young woman from the neighborhood, he must usually answer to the boys' group, negotiating for their permission first. Otherwise, members of the group, including some of the women themselves, may consider it wrong to date an outsider. Women

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who deviate from these expectations may be subjected to social control in the form of harassment by both young men and young women. The young men come to see themselves as the women's protectors, if not their heroes.

Trouble

As indicated above, it so happened that John Turner was seeing a young woman in a neighborhood adjacent to his own. The woman was being harassed by some of the young men and women of her neighborhood, and over a number of days they had been "bothering her." The young people would gather around her house, sit and stand outside, tease her and call her names. Upset, she would call John and inform him of the situation, and he would feel compelled to respond in some way. Sometimes he would go to her.

John is a high school graduate, a former halfback for the football team, and he has "done a lil' boxing." He is about five feet, nine inches tall and weighs about 165 pounds; he is built like a prize high school football running back. He likes to dress in fashionable navy blue or dark green FILA athletic suits, designer jeans, T-shirts, jackets, and expensive, clean white "sneaks." In this uniform, he is a striking figure on the streets.

At twenty-one years of age, John was the father of four children out of wedlock. He had two sons who were born a few months apart by different women, one daughter by the mother of one of the sons, and another son by a third woman.

John said of his own parents' relationship:

> He [John's father] left seven years ago, and he don't have much to do with us. That's between my mom and dad. That's them. I'm grown, now, and I try to help my mom as much as I can, 'cause I'm all she got. I'm her oldest son. My brother is just a baby. He got epilepsy. And my sister, she a woman, and she can only be so strong.

John had a reputation as a "runner" (gang leader), for "running" his own neighborhood with the help of his boys, although, at the time I met him, he claimed he had "left that life alone." As proof of his gang days, he had a four-inch knife scar on the back of his neck, a gash left by a gunshot wound on his leg, and numerous scars on his hands and knuckles indicating the many incidents of street violence to which he had been a willing or unwilling party. He spoke of occasions on which he had fought three and four men at a time and won.

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At about eight o'clock on the night in question, his girlfriend, Audrey, who lived with her mother in the adjacent gang territory, called John and said she was being harassed by some of the young men and women of the neighborhood. John, being "a man," told her not to worry, that he would come over and see about it. Because the young men of the neighborhood had fought with him before, and with his experience of the streets, John knew there was a good chance for trouble that night. He wanted to take a measure of protection; he did "not want to be hurt again or killed by these guys." So before leaving he put his mother's derringer pistol in his pocket. He did "not want to hurt anybody, but just wanted to scare them if I had to."

At about nine o'clock that night, on the way to the home of his girlfriend, John spied a commotion on the street: police cars with flashing lights, policemen and residents standing around. Almost a block away, he began to tense up and instinctively ditched the pistol under a parked car.

Confronted with this situation, he expected to be stopped and frisked, and indeed he was. He cooperated. When the police demanded identification, he dutifully gave it. They asked his destination and he told them. But then a woman who had seen John throw something away spoke up: "Officer, that young man threw something under the car back there." The policemen searched under the car and found the pistol. "Is this yours?" they asked him. "Yeah," he said, "it's mine." He told the policemen that he feared he would be attacked by a group in that neighborhood, young men who had stabbed him in the neck before. He explained that he was not "out to hurt nobody, but just wanted to scare them if I had to." John figured that if he cooperated, if he were "a man about it and told the truth that they'd maybe let me go." But he also felt he had little choice; since the pistol belonged to his mother, he thought they could trace it to him anyway. "So I told the truth."

Arrested and sentenced

But instead of releasing him, the police arrested John for illegal possession of a firearm, even though they "understood" he was telling the truth, that his story was plausible. It was not that unusual for a young black man in that neighborhood to carry a pistol around "for protection." John says they were impressed by his cooperation and by his politeness. They had determined that he wasn't the person they were looking for, but because he had bro-

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ken the law, they said, "We have to arrest you." At his court hearing, the policemen appeared and even spoke on John's behalf, saying to the judge, "He's a good young man. He did what he was told, and didn't act smart."

But the judge gave John five years' probation and a $500 fine. John gave me the following account:

> I went to court by myself, with the public defender. They didn't even tell me that I had to get a public defender. When I went there, the public defender was there. He was lookin' for me. When the case came and he seen me get up, he said, "Oh, you Mr. Turner." He rushed me, rushed me through. I didn't know anything about this. This was my first time ever being locked up. I don't have a juvenile record. [This was] just like taking somebody out of college and throwing them in jail and expect for them to know what to do. I didn't know what to do, man. I didn't know I had to get a public defender. I didn't know these procedures to go through. I never been on probation, I never had to report to nobody. This is new to me, man. I could see it if I was an everyday criminal doing this as a everyday thing, but you just can't take somebody off the street and label them and put them in an environment that they don't even know anything about. Understand what I'm saying? And you know what? I woulda' did better working by myself. He [the public defender] just came at me with bullshit. And he didn't do no good but made things worse for me. He tried to get me to lie to the judge. When I told him I wanted to plead guilty, he said, "They ain't got nothing against you, they can't say it [the pistol] was yours, tell him it wasn't yours." I said to him, "Man, I'm not going in there lying. 'Cause if he find out I'm lying, I might get worse treatment than I'm gettin' now." So I told the truth. My grandmother always told me, "Tell the truth and shame the devil." Know what? I shoulda told a lie! 'Cause then I wouldn't had no probation. They couldn't a pinned it on me, 'cause he didn't have no proof. But nowadays, you tell the truth, it's just as worse if you had hung yourself, and I told the truth. I found out that my mom bought the gun in Virginia and didn't register it, so they couldn't a traced it back to nobody. They asked for the receipt for the gun, but my mom said, "Let them go on and keep the gun." They gave me a green sheet for me to come back and get the gun. My mom bring the receipt with the numbers on it and everything. My mom have it at home, now. My mom say, "I think it's best for them to keep the gun. Then there won't be no more trouble."

During the hearing John protested the sentence, saying that he had three children to support. (At that point in his life, John had only three children. By the time I met him, he had a fourth, a premature daughter who had just been born, and now he has several more.) The judge said in reply, "What am I to do? Lots of

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criminals have children." And John responded, raising his voice, "You're wrong, judge. I'm not a criminal! I'm not a criminal."

John was then assigned a black female probation officer who was about twenty-seven years of age. John says that because he was unemployed at this time, he was unable to pay his fine on time, yet the probation officer held him accountable for this. Concerned about John's fine, his mother, who worked at a major pharmaceutical company based in the Philadelphia area, became involved and got him "on at her job" as a "lab technician, handling urine samples. It was the best job I ever had in my life. I was making $16,000 a year, which is pretty good for a young black man."

As he began working and bringing home a steady income, John was able to purchase an automobile, date young women, and become a popular person within his own peer group. But during this time, his relationship with his probation officer began to sour. He claims they had something of an informal relationship, whereby if he could not appear at her office, then he would call. She would also call him to set up meetings at his home, but when she would arrive, he might be outside in front of his house, or at times she would miss him altogether. This would go into her report along with something like "found in the street," John said.

One evening, approximately a year after his initial encounter with the law, John was stopped for a traffic violation. The policeman ran a computer check on him and found there was a "detainer" on John, that he was wanted by the police. Evidently he had not paid his fine. So the policeman arrested him, took him to jail, and booked him. By his own account, John remained in jail for approximately two weeks without notification of his family. This was during Thanksgiving of 1984, which John says was "very sad around my house since I wasn't there."

Finally he had a hearing before the judge who had originally sentenced him. The judge asked him if he was presently employed, to which he answered yes. The judge wanted to know the name of his employer and John gave the name of the pharmaceutical company. To this the judge responded, "Then you must make a good salary. Your fine is $1,300, and you must spend thirteen weekends in jail." John said his probation officer did not speak up for him and remained silent during the whole proceeding.

In the course of all this, John's employer said he must quit his job "temporarily," until his legal difficulties were resolved. Thus, he quit his job and spent his weekends in jail, but after serving his

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time there was no job waiting for him and he was left unemployed. John then began looking for a job unsuccessfully for many weeks. The various places where he inquired told him they needed no help or that they would call him. As his best efforts repeatedly proved unsuccessful, he became increasingly demoralized.

Problems at work

Finally, after much looking, John found a job as a busboy at an Italian restaurant at the minimum wage. His duties included busing tables, mopping floors, peeling potatoes, and general "prep work" for the restaurant. In this job, John said, he was paid about $100 per week. Though his work shift varied, he often worked seven days a week, usually from 3 p.m. to 9 p.m. or so. Further, his pay was reportedly irregular; his employer at times paid him on Monday, then on Friday, or gave him $50 on Friday, then another $50 on Monday. John found that he sometimes had to argue with his boss for his pay. Also, on this job he had to endure the insults of his Italian co-workers. John said:

> These people right off the boat have no respect for blacks. They would call me nigger right on the job. They were always messing with me. Now, the boss was a good man. He liked me, and we got along, but the rest of 'em didn't give a care about me, and would call me out of my name.

John is the type of person who is used to settling and resolving disputes physically, and when the other person is "wrong," he must be made to answer to "justice." Once one of the young white men of the restaurant was riding him, so John invited him outside to "settle it in the parking lot." When they went to the lot, John began to talk and when this did not "work," he punched the other employee in the face and "busted his lip." The next day, reportedly, the boss very reluctantly told John not to take off his coat, that he was fired. John then was unemployed for a few days before the boss called him back, mainly because he was such a "good worker." But John felt that in general the people of the restaurant were prejudiced against him.

This perception made his work there very stressful, for while he wanted to lash out at people he defined as adversaries, he also had to keep the job for his family, including his mother, his sister, his epileptic brother, his girlfriend, and his children. He also needed money to pay his fine, which he claims he was not always able to

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do on time, and (as indicated above) this led to other difficulties with his probation officer. Feeling trapped in his job, John didn't know what to do; he simply endured.

Because of his problems paying his fine, John told me he had to go before the judge again, a judge who had the reputation, even among the police, of "hanging young black males." John was all but certain that the judge would send him away for five years. In an earlier encounter, he had seen the judge and the public defender "laugh at me. They don't mean me no good." At this point John had very little faith in the criminal justice system, particularly as it applied to black males.

By the time I met John Turner, he had stepped into the role of his absent father. With the prospect of a jail term looming, he said:

> I got to help out at home as much as I can. My mom, she don't have a boyfriend, she don't have a fiancé. I'm all she got. I'm her oldest male child, and she depends on me. I'm her backbone.... Now, I don't mind going to jail. I mean, I can take it. I'm a man. I'm not scared of jail. It's my family. They need me. I make just $400 a month, and I use it to help make ends meet for my family. I bring home every penny I can. I can't go to jail. But I just don't know what to do now.

A day in court

Intrigued by his story and wanting to render whatever assistance I could, I offered to contact an attorney for John, while advising him that if he fled he would be a fugitive.

I then contacted an attorney I knew, Leonard Segal, a partner at a prestigious law firm in Philadelphia's Center City, and told him about John. I gave him John's telephone number, and he called John. After hearing John's story, Segal told John, "Don't you worry about a thing. You're not going anywhere. I'll take the case." Then John said, "How much is it gon' cost me?" "Absolutely nothing," Segal replied. John was somewhat skeptical but very happy about the prospect of real legal assistance.

Because the case came before Segal on short notice, with two days before the hearing, Segal had a schedule conflict and had to be out of town on the day of the hearing. He told John that he should look out for a female public defender whom Segal knew, that this person was to represent John. He reassured John that he would be on the case, but John was clearly worried and nervous.

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The story of John's life thus far seemed to be about people letting him down. Thus, in this situation he expected to be let down again.

Early on Wednesday morning, the day of the hearing, John called me to convey this discouraging news. In addition, he informed me that Segal had asked him if he had any money, feeling that meant Segal would want to be paid after all. I assured him that this was not the case, that Segal probably wanted to know if he had money with which to pay the fine, if necessary. John seemed to relax with that explanation.

However, he needed my support and was obviously worried that even I might not show up at the hearing as I had promised. I reassured him, "Don't worry. I'll be there. Listen, no matter what happens, I'll stay on the case, even if you do have to go away [his euphemism for going to jail]."

Because of heavy traffic, I arrived at City Hall, where the hearing was to be held, at five past nine, five minutes after the hearing was to have begun. I rushed up the stairs to the courtroom. As I approached the courtroom, I saw John, his mother, and others standing outside. John's mother was about forty-five years old, but she seemed tired this morning and looked much older. She was dressed in a dark green dress. Her lips were painted dark red, and her fingernails matched. She smelled of perfume.

I could see John's eyes brighten as he moved toward me. He seemed to come to life. He smiled, "Hey, Eli," and he shook my hand. I returned his greeting. John was dressed in an old parka, a "gangster cap," and boots. I wondered why he had not come to court dressed in more formal attire, and a few days later I asked him about this. His reply was, "The judge might've thought I had some money or something so I just cooled it."

As I approached, John said to his mother, "Hey, Mom, this is the professor." She looked at me with a half smile and extended her hand, "Hi, Eli. Thank you so much for what you're doing for John. His father has not done right by these kids, and I'm all alone. Thank you so much for helping us out." John's mother was somewhat familiar with me, acting as though she had known me for a long time. But she was genuinely appreciative.

After a while, I asked John about the public defender. "He's in there," he said, pointing toward the courtroom door. I had expected a female because of Leonard Segal's instructions, so I was surprised to find that John's counsel was a man. As I walked into the courtroom, John followed and pointed out a thirty-five-year-old

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white man dressed in a dark gray pin-striped suit, sitting in the front of the courtroom. By now, we were standing around in the back of the room talking. The proceedings had not yet begun, and there were many other cases to be heard. There must have been about forty people in the room. Soon the lawyer got up and started toward us.

Dressed in a brown tweed jacket with a tie, I introduced myself: "I'm Professor Elijah Anderson of the University of Pennsylvania and I'm here on behalf of John Turner. I'm very much concerned that we do all we can for him." He said, "I'm George Bramson, and I'm associated with Leonard Segal's law firm. I arrived at the office this morning and saw this piece of paper that said 'Get over to City Hall and see about John Turner.' So I'm here."

I was very happy to see the lawyer there. But he gave the impression that he felt he had better things to do than spend his morning defending John Turner. He kept looking at his watch and he mentioned he had a deposition to take at ten-thirty. It was now nine-thirty, and I became concerned that he might not have time to see John's case through this morning. Moreover, I gained the distinct impression that Bramson was not comfortable defending John Turner.

Giving Turner a chance

As Bramson and I talked, the others left for seats nearer the front of the room. Bramson and I spoke about "the situation" of the courtroom and the likes of the people here. I got the impression that Bramson was very ready to assume that everything was all John's fault. He didn't say it, but he strongly implied that John was irresponsible and he expected me to agree with him, which I did not. But I didn't say so because I felt John's case was compromised enough; the last thing I wanted to do was to alienate the attorney. Bramson said, "It seems that John doesn't listen to people, and he's failed a number of times to fulfill his probationary obligations." My view of John was more sympathetic. I felt he was a somewhat confused young black man in trouble, and to some extent a victim of his circumstances. Although not entirely blameless, he was a person who needed a chance and a helping hand of support; he was like a fly stuck on flypaper, and the more he struggled to get off, the more stuck he seemed to become. But the lawyer's view seemed hardened.

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Finally I said, "Do you think the judge will lock him up?" "Well, I don't know. A lot of it's up to his probation officer," he said, nodding toward the front of the room. I looked at her and asked, "Have you tried to talk with her?" "Yeah, and she's really against him," he said. "Think it'll do any good if I speak with her?" I asked. "You can try, see what happens," he said.

With that I went up to her and introduced myself. She offered a friendly smile and extended her hand, which I shook. "I'm here on behalf of John Turner, and I'm trying to do all I can for him. Can we talk?" I proposed. But with the mention of John Turner's name her expression changed completely as she coolly shook her head from side to side, and returned to her paper. Barely glancing at me, she said, "It's out of my hands now. It's up to the judge." She didn't look up again. I left and returned to Bramson. He said again, "Well, you know, a lot depends on her. My plan is simply to argue for a continuance so that when Leonard Segal returns he can take it from there." That left me wondering what would happen and fearing the worst. We waited.

At nine-thirty the judge had yet to arrive. Then we got word that he would be delayed and another judge would sit in his place. Bramson was cheered by this, for there was a good chance that the new judge would not be as arbitrary as the original "hanging judge." Meanwhile, a number of other cases went before ours. And we waited. Bramson mentioned that there was a good chance we would be able to get a continuance, if not some resolution of the matter. The large courtroom was abuzz with people. We sat off to the side of the room, reading newspapers, drinking coffee, and making small but quiet talk.

Finally, at ten-thirty, the acting judge called John Turner. I asked Bramson if I should approach the bench with them. He said, "No, but give me your title again.... I'll use you as a character reference in my appeal." Bramson, John, and his mother approached the bench. From the other side of the room, John's probation officer rose and moved toward the bench.

Bramson presented John Turner's case, asking for a continuance of the case until a time when Leonard Segal could take it. The judge looked over at the probation officer and said, "And what do you think of that, Ms. Johnson?" She replied, "No! No, your honor. This is his fifth time for messing up. No." (Actually this was his third time before the judge.) She was adamant. The judge concurred: "We'll have to wait for Judge Hoffman. He'll be in

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later this morning." Those gathered before the judge dispersed. Bramson approached me, saying, "Holy cow, you may as well get ready to spend the whole morning here." He was perturbed, for it meant missing his scheduled business for the morning. Yet he felt constrained to be there since his boss, Segal, had directed him to come. He left to make phone calls to rearrange his day. I was very grateful he planned to remain. I made my own phone calls. Then we waited and waited, watching other cases pass.

Finally Judge Hoffman himself arrived, and right away he began living up to his reputation for highly unconventional behavior on the bench. For instance, on this day, right before John's case, he called one man who was at home in his sickbed and accused him of being absent from court only because of the upcoming Thanksgiving holiday. He made a big show of this, and spectators in the courtroom were laughing at his antics. Bramson chuckled but also shook his head in apparent rejection of such behavior in a judge.

Finally the judge called John Turner. Again Bramson, John, and his mother rose and walked to the bench. The probation officer joined them. Judge Hoffman's performance this time was completely unexpected. He seemed very respectful to John's mother. "What a lovely mother you have, Mr. Turner," he said, nodding appreciatively. The lawyer, Bramson, made his appeal, but the judge rejected it out of hand, saying it was unnecessary. He said, "Young man, I'm going to give you a new probation officer. Now, I want you to report to your probation officer weekly and pay your fine on time. You must pay $100 per month. Now, if you don't do this, you're going to have to see me again. I don't want that to happen. You do as you are told, and everything will be fine," he lectured. The judge seemed nice and very different from what I had been led to expect. (I suspect, however, that if John had had an ordinary public defender, the case would have been handled less sympathetically than it was.)

When the hearing was over, at twelve-thirty, John's mother, Bramson, John, a few others, and I all felt very relieved at the outcome. We met in the corridor, and the lawyer began to lecture John, reiterating some of what the judge had said. John listened attentively and nodded his head in agreement. His mother was also attentive. We then thanked the attorney, said our goodbyes, and dispersed.

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Finding a union job

John returned to work at the Italian restaurant/carry-out, and his employer welcomed him. In many ways John was a very good worker, reliable, punctual, and honest. On occasion, to keep up with him, I would visit the carry-out and observe him there, mopping floors, busing tables, or preparing food. He would give me the latest on his situation, telling me about his desire "to do better in life" and saying how grateful he was that I had helped him out in his time of need. I was moved when he told me he had prayed and thanked God that I had come into his life and helped him. He said, "I didn't think people did that anymore."

As time passed, John appeared to be getting on fine, although he seemed always to be working. His fine was $100 per month, and his salary was not much more than $400. With this money, he was expected to help his mother, which he was very proud to do, and contribute to the support of his four children by three different women, which he did in the form of irregular small payments to their mothers. His employment at the restaurant did not include benefits of any kind. And John said he worried a great deal about what would happen if one of his children had an accident or came down with a serious illness. Because he made an effort to support his children financially, he conceived of himself as a responsible father; he simply wished to make more money.

Hence, John began actively looking for a better job, searching seriously but to no avail. In time, he concluded, "It's hard out here for a young black male. I'm telling you." Repeatedly, prospective employers would allow him to put in an application but would never call. As this was happening, John was facing increasing tensions with his fellow employees. He complained that they would sometimes pick on him and taunt him "because they know I can't fight back. I need this job and they know it. They know I won't hit back, we do argue a lot." Although John had problems with his coworkers, he got along well with his boss, the proprietor of the restaurant, who said of him: "Yeah, John is a good worker. He's all right. He's just young and he has something of a temper. But he's a good worker. He always comes on time. He listens to me. I like him. He's a good boy."

Seeing that John was having such a difficult time, I thought I would look into the matter and see if I could help him find a better employment situation. I contacted Curtis Hardy, a sixty-year-old

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black union steward at a hospital in West Philadelphia whom I had known for about five years. Curtis is married and has three children, two of whom have graduated from college. Arriving in Philadelphia from North Carolina some twenty-five years ago, Curtis now lives in Germantown, a racially and class-mixed area of the city. After rising to union steward he has a real sense of accomplishment on his job. For him, the work ethic is very important, and he has placed great emphasis on it in raising his children.

Approaching Curtis about John's situation, I told him I knew a young black man who badly needed a job. I mentioned John's difficulties and said I thought he needed a break. But Curtis seemed hesitant. He said, "I been burned too many times now." I persisted, trying to make a case for John. I told him John was twenty-one years old, was supporting four children out of wedlock, was well built physically, and was a good worker. I told Curtis that the new job might be a real turning point in John's life. Instead of $3.50 per hour, he would be earning $8.50, and he would experience a kind of job security he had never had before, not to mention excellent dental and health benefits for his children. After a while, Curtis was still skeptical but relented and said, "All right, tell him to go to the union hall on Tuesday and look for Joe Harris. Say I sent him. And tell him not to mess me up."

I was very pleased, but I noted Curtis's reluctance and his concern about being "messed up." Could such concerns be important in some way to the noted lack of networking among black people today? What did he mean by having "been burned too many times?" It was clear that I was asking him to vouch for someone he believed to be at risk.

Trust and insecurity

It may be that black people who sponsor someone like John Turner are concerned on at least two levels. On the one hand, because of the peculiar history of race in our society, they may sense their hold on their own position to be somewhat tenuous. They themselves have had to wage a serious and often fruitless campaign for the full trust of employers and fellow workers. If one is to be sponsored on the job, one must be fully trustworthy. On the other hand, there is the twin concern that another black person might easily "make you look bad." Curtis, as a union steward, was not concerned so much with losing his job. But he was concerned

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about being "messed up," which for him has much to do with looking bad to oneself or others, particularly relatively powerful whites on the job. In response to these insecurities, black men such as Curtis tend to husband their resources and are usually extremely careful when recommending other blacks for jobs.

John was thrilled to hear about the prospect of getting a good job. He was eager to go to the union hall, even though it was across town and he lacked transportation. He was punctual. He spoke with Harris, as Curtis had instructed, and was quickly signed up. It was now a matter of waiting possibly two weeks (at the most) before he would be hired, and he would definitely be hired; Curtis had said so and John had faith in my word.

But a week later, I went by the restaurant/carry-out where John worked and asked for him. His co-workers said, "He's in jail." I was shocked. "What happened?" I asked. "Oh, he beat up his girlfriend," one man told me. John had been calling his employer, trying to get bail money, but to no avail. I didn't know what to think. After a few days, I phoned John's home in hopes of getting information about him. To my surprise, John himself answered the phone. I said, "John! I heard you were in jail. What happened?" "I was in jail," he said. "I just got out." "What happened?" John told me:

> Well, see, this girl, the girl who's the mother of my one son, Teddy. See, I drove my girlfriend's car by her house with my other son [by another woman] with me. I parked the car down the street from her house and everything. So, I took John, Jr. [his son] up to the house to see his brother, and we talk for awhile. But when I got ready to leave, she and her girlfriend followed me to the car. I got in the car and put John in. Then she threw a brick through the window. Glass was flying everywhere. My little son coulda got cut by it. So, I got out of the car and went around and slapped the shit out of her. She knew better than that. I didn't really beat her, I just slapped her. Then she went home and told her momma that I beat her up in front of her girlfriend. So then her momma got all hot and called the cops, and they came and got me. They locked me up for four days, Eli. It's a trip, Eli, you got to see that place. We got to talk about it. There were like sixteen guys in one cell, all black guys. It's a shame, man. I ain't no criminal, I don't belong there. It's terrible. I think I got this bad cold from being in there. [He was currently suffering from the flu.] But then my mother talked with her mother, told her what really happened, and then her mother understood. So, she talked her daughter into dropping the charges. So they let me out. But I'm out now, Eli. I'll tell you about it. Oh, Eli, the hospital called me. I'm supposed to start work on Monday.

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I congratulated him on the prospect of his new job, but I began to be a bit apprehensive, having second thoughts about John and all I was trying to do for him.

Within a week, John was hired as a janitor at the hospital. He was an enthusiastic worker at his new job. Curtis liked him and began taking him under his wing, showing him the ropes and introducing him to the work culture. John told me that when he first met John, Curtis had lectured and warned him:

> Now whatever you do, don't mess up. Good jobs are hard to come by, and you know this is a good job. You must keep your nose clean, do as you're told, come to work on time, and everything will be all right. You'll be on probation for the first thirty days, and if everything checks out, you'll be in the union. You'll be set. Do what your supervisor says, but the main thing is to do your work. If you have any problem whatsoever, come and see me. Your professor's got a lot of faith in you, boy. He thinks a lot of you. Now, don't mess him up. Don't mess him up.

After two weeks at his new job, John was a big success. When I asked Curtis for a report, it was glowing: "Yeah, he doing alright. He's a good worker, works a lot of overtime. He's always on time, do as he's told. Uh-huh, he's a good worker."

After five weeks on the job, John had a stellar work record, a fact of which he was very proud. He passed his period of probation and was admitted to the union. Getting into the union was an important milestone in John's life; he had often spoken of how good his life would be when he got into the union. "The union" had some sort of mystical appeal to John; he had never been a member of one, and he associated it with real power, independence, and job security.

More trouble

I didn't see John for almost three weeks after that, and I assumed things were going well in his life. But then one night at ten o'clock I received a telephone call from him. I was immediately concerned because he normally went to work from 4 p.m. until midnight.

"Hey, John, what's up?" I asked.

"I'm in trouble."

"What happened?"

"They tryin' to put me in jail."

"Who? What?" I asked, trying to catch up with him.

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"I got home a couple days ago, and my mother hands me this piece of paper saying I have to report at three-thirty that day at the courthouse, so I did."

"What's the charge?" I asked.

"I didn't pay my fine. The judge wouldn't listen to me. And my probation officer acted like he didn't know me," John replied.

"Well, have you been making your meetings with your probation officer?" I continued.

"Yeah, I been making every meeting, once a week."

I suggested we get together and talk at the Broadway Restaurant, located in the heart of the black community. We met there. John showed up with Lionel, his half-brother, whom he had found out about from his father only two years before.

We sat down and began talking. John was very depressed. He seemed not to understand the charges against him. He repeated the story about his mother presenting him with the court order, the way the judge treated him unsympathetically, the way his new probation officer (a person with whom he thought he had a good relationship) was indifferent to him in front of the judge.

"Cause I didn't pay my fine, the judge said to me eleven to twenty-three months in jail," said John.

"Oh, no!"

"I begged him not to do it, that I would try to come up with the money, some way. Then he came down to six months in jail. He said that by not paying the fine that I was 'playing with the court.' I told him that I was trying to take care of my family and my kids. I told him I just didn't have the money. So he told me six months and gave me two days to report for incarceration. He said the best thing I could do now was to come back with some money, and if I do that then I might not have to go to jail. Man, I don't want to go to jail."

"Have you been paying on your fine at all?" I asked.

"Yeah, I paid $50, but me and my probation officer made a deal. He told me that I could pay what I could pay, and they couldn't send me away as long as I didn't have the money to pay," said John.

"But, John, you're making $8.50 an hour, you work at least forty hours a week plus overtime. You mean you couldn't pay some of your fine?" I was incredulous.

"Well, I'm trying to help my mother out. I'm trying to give money to my kids. And I been putting some money away in case

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something happens. My kids. I'm saving money for their college education," said John.

"Well, John," I said, "if you don't pay your fine, you could go to jail. And if you're in jail, you won't be around to help your kids out. These people [the courts] mean business. They're serious."

John simply held his head in his hands and looked tired and sad. Lionel then backed me up, saying, "Man, why didn't you pay your fine? I don't want to see you go away. But there ain't no justice downtown, not for no black man. You got to do what they say. You shoulda paid it."

Looking forlorn, John said, "I took him [the judge] $200, and I told him I would try to get the other $1,100. It's the money for my kids' college education, but I'll take it out [of the bank]. And he [the judge] told me that if I pay my fine, then maybe I won't have to go to jail. So I'm gon' get the money. Eli, I don't want to go to jail. I got a real chance, now. The best job I ever had, and don't wanta blow it." We soon left the restaurant, and I drove Lionel and John to their respective homes.

One important consideration here is the manner in which money is spent by a person in John's circumstances. Money seems to disappear. With money, John becomes an important figure to his friends and family members. He helped his mother with her household bills. He took his girlfriend out, he bought shoes for his children, he loaned money to his friends; he simply ran through a significant portion of it. The more money John made, the more places he had to spend it. At the same time, he tried to hoard it or put a portion he thought he could afford away. And instead of paying his fine, John was saving this portion of his money at the local credit union; he had accumulated at least $1,300 there. Defending his behavior, he said he wanted to have money "in case something happens" to his children. If John, Jr. "hurts himself and has to go to the hospital, I want to be able to pay them *cash* money." When I asked about his medical benefits at work, he said, "They just began after I got into the union [a month after he began working]."

John, as I mentioned before, has considered himself the man of the house since his father left home seven years before I met him. In taking over his father's role, John presents himself as very responsible. He feels obligated to help his mother and siblings and to give his mother a portion of his money. When he has more, she gets more. A similar principle operates where his children are concerned. To meet this responsibility, he takes cash to his various

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"girlfriends," the mothers of his children. When he buys shoes for his children it is an action fraught with symbolic meaning, in a small measure fulfilling his role as father and provider.

The next day, John took the $1,100 to City Hall. His understanding was that if he brought the money down, he would not have to go to jail. But in reality, the judge had only said he would consider his case with new information. There was no guarantee, but a paid fine was to be a positive development. However, after paying the money, he was locked up and placed in jail for six months. He called me that evening and said, "I'm in jail. I need a lawyer." He said the judge said he now needed a "private attorney" to "file a petition for early parole" and the judge would consider it.

The probation officer

As I thought of John's predicament, I wondered about his relationship with his probation officer. Shouldn't the probation officer have been monitoring the situation more closely? John and the probation officer seemed to have something of an informal, if not arbitrary, relationship. His probation officer was now a thirty-year-old black male who seemed, at least initially, to be supportive. John could call him, and they could talk. And John said he met him at all the appointed times. But when the problem of not having paid the fine arose before the judge, the probation officer became very firm and formal. John said that at the hearing the probation officer ignored him and "acted like he didn't know me."

Could it be that the probation officer was trying to protect himself because of his sense that such "informality" with a client might compromise his job? On the one hand, it would seem that this informality would be supportive of certain humane goals of probation and would allow the probation officer to press John on the matter of his fine. On the other hand, this relationship could be considered irregular by "the system" and thus could result in disciplinary action for the probation officer. People like John—low-income black males in trouble—generally have a very low status in the minds of those staffing the system. Black probation officers, in particular, may feel that it is especially important to distance themselves from such persons, who are defined as outcasts. John's probation officer was only a class removed from him. He was familiar with the likes of John and had little time for "people like that." Equally important, he knew where such people fit and what they mean in the culture of the local court system. When con-

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fronted by this system, the probation officer was likely to look out for himself first. A person, color notwithstanding, far removed from John's world may be able to be supportive of him. But a black person very near him in the class structure may feel quite threatened by him. In a tight situation such as that of the courtroom, his primary concern was with his own employment situation; he protected himself first.

This scenario becomes all the more complicated because of the probation officer's wish to be of assistance to someone like John. Yet he found this desire difficult to realize and was left being inconsistently formal and informal. The probation officer's interest in helping John was indicated to me in a telephone conversation I had with him. After learning my identity, he was very interested and helpful. He gave me various pieces of information on the deal made between John and the judge and attempted to "collude" with me against the judge. Knowing that I was working to help John retain his job, the probation officer advised me:

> I want you to know this: when John Turner was released to make arrangements with his employer for his stay in jail, he didn't tell them he was being incarcerated. He told them he was going to have an operation, and so he was going to be out for two weeks. So you shouldn't go back and tell his employer that he's in jail.

In this way, he tried to be helpful and ended by saying, "If there is anything else I can do, let me know." I took him up on this and later, after John was released from jail, I sought a second interview with him. The following interview with the probation officer supports and expands the foregoing analysis:

> When I first met John Turner he lied to me. He told me he was in to see me a week earlier and that we had discussed something. I caught him in a lie. He turned me off right then and there. From then on, I did not feel like going out of my way for him, and I will and do go out of my way for some others. I supervise 150 people, and he is only one case. I told him that if he didn't pay his fine that he was going to be incarcerated. No, I didn't hold hands with him and try to walk him through the system. There are guys I will do that for—they're older, they're the ones who respond. The younger guys are arrogant, and they think the world owes them something. The older ones know better, and I feel better about helping them.
>
> And the thing is, this guy knew that he was wrong. He knew about this judge's reputation. He even told me about the judge; he said the judge is crazy. So he knew better. He's a self-directive person, arrogant and manipulative. He thinks it's all his show. He felt he was justified in carrying the weapon, since he'd been attacked by those guys, and

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that he shouldn't have to pay the fine. He wanted to get by, that's all. He had a lot of opportunities to pay. I mean he could have paid something, $10, something symbolic. But he didn't pay anything. And when you see him, he's wearing gold chains and nice clothes, so he can't say he didn't have the money. Since he came before the judge all those times and still had not paid his fine, the judge just got fed up. He felt John Turner was not taking him seriously, especially when he came up with $1,300 overnight. When he locked him up, the judge felt he had the last laugh.

Toward the end, we became friends. We talked more, and once I walked his girlfriend to the train to show her how to get out of town. We talked, and he wanted to have dinner, but I said no. I didn't think we should stretch it out. But we reached an understanding; he knew he was going to jail. To people like him, though, jail is no big deal. They go to jail, sit around and play cards; they don't mind so much. They're not afraid of jail, and that worries me. Going to jail for them is not the same as it is for me, or for you. I got a nephew in prison right now, and he tells me about the life there. Alcoholics sitting around getting high in jail; they make their own stuff right in jail. He wanted me to bring him drugs, can you believe that? I still live in the black community. I want to get away from all riff-raff, but I'm just not able to afford one of those big mortgages yet, ha-ha. I've got seventeen nephews and nieces, because I got so many brothers and sisters. And I try to look out for them. But frankly, I'm afraid of some of these younger guys, what they'll do to people like me and you. They don't care, don't worry about jail. They'll take you out of here.

Socialization

After three months of incarceration, John, with the help of another private attorney I found for him, was allowed to leave prison on a work-release program and he returned to his job at the hospital.

Over the next year, I periodically talked to Curtis to see how John was doing. He would tell me that John was doing all right, coming to work, doing his job. But at a certain point I found out from John that Curtis and his boys were giving him [John] a hard time on the job. This was interesting because so many of the men who worked as janitors were solid, working-class black men who were imbued with the work ethic, went to church, and were family men. They were reacting to the insertion into their group of a person who threatened their values. In a sense, John Turner was an interloper, and because of this, and because he was considerably younger than the other men, he was someone to be socialized, to be "brought along" and shown the error of his ways. These men

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had great misgivings about John's many women, his babies, and his cavalier attitude toward taking care of them. And John continued in this behavior and by now had several more children. In fact, a boy such as John can take a certain amount of pride in having babies. According to the norms of the street, it suggests virility, manliness. But in terms of certain other working-class values, such behavior is considered irresponsible, and Curtis and his men prided themselves on being responsible. So when they see the problems of the street—the drugs, the crime, the violence—they are ready to blame the people who engage in these behaviors.

Thus, when given the opportunity, these people will often attempt to reform the John Turners of the world. They do this not in a violent way but often in ways that can wound emotionally. The men John worked with would joke with him, make fun of him, kid him about his women and children, all in an attempt to shame him into behaving in the right way, to "bring him along." And Curtis, even though he was trying to be the "old head" and help him, began to "put his [John's] business in the street." For example, the men would be standing around getting ready to go to work and women would walk by. The men would make appreciative murmurs about the women among themselves, and one day Curtis said to John so that everyone around could hear, "You'd better keep that thing in your pants. You can't take care of the ones you've got now." All the guys started laughing at that, but John felt very bad; he felt his business had been put in the street. This kind of thing continued to happen from time to time, and eventually John got tired of it.

At the same time, the streets were beckoning. John wanted to make more money. He wanted to be a hustler: He had already been a gang member, so the transition to street life was paved for him. And he wanted to show the guys at work that he didn't have to put up with their taunts. So one day he quit. He gave no notice; he simply didn't show up for work. After that I lost contact with him for over a year, but I did talk to Curtis and some of the other men, and this story came out. They did not admit to their part in so many words (they claimed he didn't want to work), but in conversation it came out that they had been ribbing him, trying to socialize him, trying to defend themselves from the likes of him.

In addition, the mothers of John's children had begun making demands on him. When he acquired a steady income and excellent benefits, several of them tried to legalize their claim on him

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or, as people in the community say, they "went downtown and got papers on him." This played a part in souring him on his job. Another factor was that his mother, to whom he was so tied, had left Philadelphia and gone south, and he needed to be able to visit her. So he summarily quit his job, and I lost touch with him.

Drug dealing

About a year later, however, I ran into John on the street. We shook hands, he said how happy he was to see me and that we had to get together because he had so much to tell me about what had been happening with him. So we arranged to meet at a restaurant. At that meeting we started out talking about various things, and ten minutes into the conversation he revealed that he had dealt drugs but that he had given it up. I asked him, "When did you quit?" "Two weeks ago," he said. I was rather taken aback by his life style and began to wonder what was going on. I did not, however, act shocked or offended, because that would have scared him off (although I did wonder what he thought of me, the proper, decent professor, listening to this account of the low life), and he went on to tell me about the life of a drug dealer. He described crack-houses; lives destroyed by drugs; people selling everything, including food stamps for their children, to buy drugs; crack whores who spend their days prostituting themselves for a high; people ringing his doorbell at all hours of the day and night, desperate for crack; the large amount of money he made; the cars he bought; the valuable things people gave him for a $10 capsule of crack; the way he was the king of the neighborhood. At the same time, he suggested that he was a humane dealer and in fact was often helpful to victims of addiction. He told me of one woman who gave one of the boys who worked for him all her food stamps for some drugs. When he found out about it, he searched her out and returned half of them so she could feed her child. He said the drug dealing couldn't really "take" with him because he didn't have the heart for it. To be a successful drug dealer "you have to be cold and hard and uncaring," and he could not be that way.

So John was ambivalent about this life, which I guess was why I was attracted to him. He seemed to care about the right things, yet he was stuck in his environment in that he was somehow drawn back to it even when provided the opportunity to escape. When I was first getting to know him, these glimmers of hope, of corrigibility, that he displayed now and then spurred me to want to help

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him out. I felt that if he only had a break, he could make it. But over time, as I got to know him better and better, much of that feeling began to dissipate because he never seemed fully committed to improving himself. Having been given several opportunities, John had more and more responsibility to help himself; yet he did not respond to these opportunities. This caused me to be less and less interested in helping him; I became increasingly disappointed by his behavior, but I still had hope for him.

An interesting aspect of this situation is the way in which John saw me. Compared to the ways of the streets, I played the role of a chump. By befriending John, I allowed him to see me as naive. But he was ambivalent about this because even though I am a university professor—I've made it—I could still talk his language and so I had a connection to his background. I was a puzzle to him, but he was ready to resolve this puzzle in a way that would benefit him. Even though he saw me as naive, he knew that I was also very helpful to him. To keep me interested in helping him, he had to paint himself in the right way. So, for example, he pointedly talked about going to church, about wanting to be a hard worker, about taking care of his family, about saving his money for his children's college education. All these statements, so he thought, would resonate with me and connect him, in my mind, with the "great middle-class tradition." Some of this talk was, I believe, sincere, but some of it was probably game-playing, calculated to shape my opinion of him and maintain my interest in helping him.

We spent a long time talking. He told me about his life over the past year, about going down south to stay with his mother, working at a construction job there, trying to help his mother out, and then about coming back to Philadelphia and working as a drug dealer, and why he gave up selling drugs. Part of the reason he stopped, he said, was that he saw death. So many of his friends had been killed or were under pressure from people in the neighborhood. He was also bothered by people coming to his house at all hours and by what drugs had done to decent people he had known growing up. He talked about girls he had known as a teenager who had been very picky about the boys they allowed near them, but who now would have sex with anyone just for a high. I think a part of him was genuinely confused and even demoralized by the things he saw going on around him, and he saw his role as a drug dealer as somehow incompatible with certain elements of decency that he genuinely aspired to. So even though he was caught up in this life,

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and liked to present himself as a tough young man, it was clear that he was mentally torn. Even as we were sitting in the restaurant, he waved to a friend of his who drove by in a Bronco, someone who was probably a drug dealer. His ambivalence cuts both ways and this makes it hard to trust him.

John, after all, was a gang "runner" or leader; his ties to the former gang members remain very strong. He was in many fights with them, which solidified the loyalty among them and also instilled bravado in him as an important aspect of his identity. These boys had no doubt also become drug dealers, and they considered him one of them. Because of these connections, I could not believe John could leave the drug trade just like that. When he said, "I quit two weeks ago," I was highly suspicious. My sense is that it is very difficult to get out of the drug business once you get into it.

Trying again

At any rate, as we were leaving the restaurant, John asked if I could lend him $5. Now this was after telling me how much money he made selling drugs, how many articles of leather clothing people have given him, how much jewelry. So what did this mean? If he really had no money, maybe he really did quit. Something must have scared him, or intimidated or provoked him to the point that he decided he had to get out. I gave him the $5, but that was not all he wanted. He also wanted his old job back. He wanted me to go see Curtis and convince him to give him his job back. I said I would do what I could, but I had no intention of appealing to Curtis again. I thought that since I had given him the $5, I wouldn't see him again for a long time.

However, a week later he called me. "What happened? What did you do? How did it work out?" he wanted to know. I replied, "I haven't found anything yet, but I'll keep trying." I was trying to stall him. Then one weekend when I had been out of town, I returned on Saturday night to hear from my wife that John Turner had come to our house with his girlfriend. She wouldn't let him in but told him that I was in my office. So he called my office—over and over. My answering machine had one desperate inquiry after another on it: "Where are you? Where are you, man? I need a job." As my wife was telling me this, he called the house. He needed a ride from another section of the city to his sister's house, where he was now living. Over the protestations of my wife, I agreed to go pick him up because I had by now come to realize that

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I had to sever my contact with him, and in order to do that I had to come up with a way to keep him from contacting me.

I drove to the corner at which we had agreed to meet, and John was waiting for me along with his girlfriend. They got in the car and I drove them home, stopping for gas on the way. Now John wanted $10. I gave it to him but with the even stronger conviction that I had to end our relationship. So I asked him if he had ever thought about joining the Army. "Can you do that?" was his response. In his mind, I was almost a magician. I could make impossible things happen. So I told him to meet me at my office at ten o'clock Monday morning and we would go down to see the Army recruiter together. He agreed to that and then before we got to his sister's house he asked me out of the blue if I had an extra suit. This totally surprised me, and I asked him what he needed the suit for. He said, "Well, I want to go to church on Sunday," invoking once again the respectability and decency that are supposed to keep me interested in helping him. Yet I think there was a part of him that really did want to reform. I don't think it was totally a matter of manipulation. I said, "No, I don't have a suit," and he let it drop. I dropped him off at his sister's house, which is in a dangerous neighborhood in which people get shot every day, locked my car doors, and left. The next day I looked over the want ads in the newspaper, and I noticed that many restaurants were changing their kitchen staffs. I became encouraged that even if the Army did not work out, there were job prospects for John.

On Monday morning John showed up at my office punctually at ten o'clock. It was a rainy morning, and we got into a cab and went down to the Army recruitment office in Center City Philadelphia. We went in and I introduced myself and John to the black sergeant who was the recruiter on duty. I was dressed in a sports jacket, and I explained that this was a young man who was interested in going into the Army. And the first question from the recruitment officer to John was, "Are you on probation?" John of course had to say yes, to which the recruiter replied:

> When you get that cleared up, we can talk. We can't talk until you deal with that. You could go to the judge, go to your probation officer, and try to work out a deal. If the judge says O.K., then maybe we can do something. We do do that. We let people go into the Army to get their lives straightened up.

John could only say O.K. to that and we left with the feeling that we had struck out.

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We then went to the probation office, which is only a few doors away. We went up to the sixth floor and tried to find John's latest probation officer. She had gone to the bank on personal business. We waited for her to return for quite a while, but then John became impatient, and I was becoming more anxious to resolve this whole situation. Finally, we left and switched to Plan B, which was to investigate the want ads I had found the previous day.

As we were walking down the street on our way to the first of the restaurants, John began to question my position. He asked me if I thought "all that professor shit" works. "What do you think?" I answered. He was not at all sure. "If you had been a white professor, do you think it would have worked?" he wanted to know. He thought that professors have influence with recruitment officers, and if I had been a "real" professor I probably could have convinced the sergeant to accept him, thus reflecting his understanding of bureaucracy. He finally said, "It don't work, man. I think you're naive." This was really a major development in our relationship because he had never called me that before. We talked about this for awhile until we reached the restaurant district, John all the time giving me static about my failure to get him into the Army: "You didn't do it. You couldn't do it." I finally got fed up with this and took John into the first restaurant we came to.

We walked in and asked for the manager. I explained that John was looking for a job, had restaurant experience, and was a good worker, and the manager, after looking us up and down, sent us back to the kitchen to talk to Al. Al asked some of the same questions the manager asked, then excused himself to confer with the manager. When he returned, he looked at John and said, "When can you start?" We were both very happy with this development, but John was ecstatic. He had a look of anticipation fulfilled on his face. We didn't even discuss the wage. This was a former drug dealer who was willing to work at anything, in part because he really did want something other than the tough, hard life of the drug dealer. At that point I left him to go back to my office, but I asked him to call me later.

Gratitude and new demands

John didn't call, but at four o'clock in the afternoon, he came by. He walked into my office and gave me a huge bear hug, and his first words were, "I got it, man, I got it! How'd you do that? How'd you do that?" This was again the magician thing, as though

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I had done something magical by getting him this job. All I had really done was talk to the manager sensibly. But my very presence and the way that I spoke may have been what he was looking for. It might have helped him to trust the job application. John and I then went out to a restaurant to talk over the events of the day. John reiterated his disappointment with the Army recruiter for not helping him out and his conviction that, had I been a white professor, he would have been more forthcoming. But he thanked me profusely for not giving up on him after that failure and for coming through at the restaurant.

I then asked him to tell me what had led to his quitting his job at the hospital, because I had never heard his side of the story. John explained that the men there were always "on my case," that they would tease him about his girlfriends and his children and also about his position as a "halfway man," since during part of his tenure there he was still partially incarcerated, spending his nights in jail but allowed out to work during the day. He talked about how the men embarrassed him in front of the girlfriends who came to see him, as well as in front of other workers who had not previously known of his background. He claimed that they spread his reputation as a stud around the entire organization, and also that their talk was for the most part motivated by jealousy of his success with women. He also brought me up to date on his women and children. He told me that one girlfriend had "used him" to get pregnant twice and then forbade him to see her or the children. He explained how lonely he had been after his mother left, how difficult Thanksgiving had been without her, how he had enjoyed being down south with her. But he had to come back because of the terms of his probation and because of his children. "I'm not the type of man to walk out on kids. They mine, I'm gonna stand by and take care of 'em as a man. I'm gonna do my part." He reiterated his disgust at what drugs have done to the black community in general as well as to various individual people in his life.

After telling me all this, John again asked me for money—$150 this time. After reflection and a little resistance I gave it to him, fully expecting never to see it again but also never expecting to see him again. His code of honor would forbid him to contact me again without paying me back, and my experience with him had taught me that he was unlikely ever to have the money. This was how I was finally able to sever our relationship. I had continued to help John even after it had become apparent that he was using me,

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because I wanted to see how he responded to various situations. At this point, however, I felt I had developed a rather complete picture of him, in addition to which I was beginning to feel uneasy about our association. Consistent with my expectations, I have indeed not seen him since, but I have heard of him. The street life that he found so compelling seems to have brought him to a corner in Baltimore. There he had an altercation with somebody over something, perhaps a misunderstood drug deal, and he wound up being shot in the gut. On the streets it is said that as a result of that shooting he is "carrying around a bag" and will be for the rest of his life. He is now about twenty-seven.

Street life vs. the culture of decency

An important lesson to be learned from John's story is that of the basic incompatibility between "the street" and the more conventional world of legitimate jobs and stable families. When the street and the conventional world collided for John, the street prevailed in part because he lacked the personal resources to negotiate the occupational structure then available to him. At the point in his life when the wider system became receptive to him in the form of a well-paying job, it was too late. The draw of the street was too powerful, and he was overcome by its force.

John—like so many young black men caught up in similar circumstances—appeared when I met him to be adrift between the street and the wider, more conventional society. But given the way he had been raised—learning at an early age to survive by the laws of the street—the street had a profound advantage in vying for his heart and mind. Moreover, the various pieces of human capital he had accumulated over the years were more easily negotiable on the streets. In other words, the streets proved much more receptive to him than did the wider, more legitimate society, and this receptivity encouraged John to invest his personal resources in what could be described as an "oppositional culture," which in many ways is a response to a feeling of rejection by the conventional society. John became fixated on this oppositional culture, rejecting the means for achieving status sanctioned by the wider society while accepting the dominant culture's goals of material success—money, gold, clothes, sneakers, cars, etc.

Too often the wider system of legitimate employment is closed off to young men like John, by prejudice, by lack of preparation, or by the absence of real job opportunities. Yet they are able to

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observe others—usually whites—enjoying the fruits of the system, and through this experience they often become profoundly alienated. The boys often develop a contempt for the society they perceive to have contempt for them. In these circumstances a racist reality looms large in their minds. Feeling that their opportunities for conventional advancement are blocked, young men like John Turner are drawn to an alternate means of gaining the things they see that others have. After growing up buffeted between an unreceptive conventional world and the street, they drift. Here they are easily drawn into the receptive street culture, where a cunning intelligence mixed with a profound street wisdom and physical prowess are highly valued. With these resources, they negotiate and compete fiercely for very scarce coin: respect and wealth.

This street-oriented subculture is often violent. A primary value is physicality and a willingness to resolve disputes through violence. Authority is asserted through conflict; shouts, bites, punches, knife cuts, and gunshots are traded here. It is very important to be "bad," to be "mean," in the idiomatic sense, because to be mean is also to be cool. It is extremely important not to be "square" or approximate through behavior or sympathy the wider conventional society.

The predatory influence of the street culture constitutes an enormous problem for the rest of the inner-city population. Young people who are not strongly anchored in the conventional world are at risk of being preyed upon. Given the drugs, poverty, unemployment, lack of opportunity, and other social problems besetting the community, well-meaning parents find it difficult to anchor their children in conventional values.

In fact, in underclass communities, conventionality and the street culture wage a constant battle for the hearts and minds of the younger residents, and this dichotomy has become an organizing social principle. The residents generally divide their neighbors into those who are "decent" and those whom they associate with the street. The culture of decency is characterized by close and extended families, a low-income financial stability, deep religious values, a work ethic and desire to "get ahead," and strong disapproval of drugs and teenage pregnancy. The street represents hipness, an emphasis on achieving and maintaining status based on one's person (not on one's achievements, as in the dominant culture), and a contempt for conventional values and behaviors, which are easily discredited because of their association with whites;

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these can include doing well in school, being civil to whites, and speaking standard English.

Beyond the oppositional culture

This oppositional culture is alluring in large part because the conventional culture is viewed as profoundly unreceptive by many blacks in the inner cities. Youths observe the would-be legitimate role models around them, and many find them unworthy of emulation. Legal hard work appears not to have paid off for the old, and they see the relatively few hardworking people of the neighborhood struggling to survive. From their elders and peers they hear repeated tales of racist treatment; and by now most have experienced it firsthand. At the same time, through street-oriented role models, a thriving underground economy beckons to them, in which enormous sums are promised, along with a certain thrill, power, and prestige. Streetwise and impoverished young men easily find places in the drug trade.

In the past, manufacturing jobs provided opportunities for young men like John and at the same time supported the values of decency and conventionality by having them pay off. The loss of these jobs has damaged the financial health of the inner city and undermined the quality of available role models. One important casualty has been the relationship between "old heads" and young boys. The old head was a man of stable means whose acknowledged role in the community was to teach and support boys and young men in their late teens and early twenties, in effect to socialize them to meet their responsibilities regarding work, family life, the law, and common decency. But as meaningful employment has become increasingly scarce and the expansion of the drug culture offers opportunities for quick money, the old head has been losing prestige and authority. In his place, a new role model is emerging. The embodiment of the street, he is young, often a product of a street gang, and indifferent at best to the law and traditional values. If he works at the low-paying jobs available to him, he does so grudgingly. More likely, he is involved, part time or full time, in the drug trade or some other area of the underground economy. He derides conventional family life: he has a string of women but feels little obligation toward them and the children he has fathered. His displays of self-aggrandizement through fancy clothes and impressive cars make their mark on young men like John.

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By enforcing conformity to external displays of "manhood," the oppositional culture ravages the individuality of those who fall victim to it, eroding their sense of personal identity and thus of personal responsibility as well. In John's case, his very identity was derived from the oppositional culture, and ultimately it immobilized him in the face of opportunity.

This reality has serious implications for society as a whole and for social policy. The progressive nature of the impact of the street points to a need both for very early intervention, in programs such as Head Start, before the oppositional culture has a chance even to begin developing in the child, and for continuing intervention with pre-adolescents and adolescents. It is extremely important, in particular, to give maturing boys (and girls, too, for that matter) job training and education in the practicalities of operating in the world of work. This training must then be rewarded with real jobs. The system must be more receptive to the John Turners of the world. The creditable promise of a job gives these young men a realistic outlook on life and a positive sense of the future, and at the same time builds hope and social peace.

The question of outlook is extremely important here. John envisioned a good life but was unable to accept the changes in behavior necessary to achieve it. In fact, the street life competed quite effectively with his vision of the good life. My experience with John suggests that simply providing opportunities for members of the underclass is not enough. They must also be provided with an outlook that allows them to invest their considerable personal resources in those opportunities. Only then can they leave behind the attitudes and behavior that block their advancement in the mainstream but that also give them security in negotiating their circumscribed world. These young men are being written off by mainstream society, they know it, and the world is the poorer for their loss.

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Black Philadelphia, then and now

ROGER LANE

WE ARE NO longer sure what to call the black "underclass," but we know by any name that it exists. Its features are universally familiar: weak connections with the world of productive work, little education, social and geographic isolation, family instability, high rates of crime, drug addiction, and dependency. But if we can agree on these defining features—and that all have been worsening over the past generation—there is no such agreement about their causes. Some

Adapted from a chapter in Adele V. Harrell and George E. Peterson, eds., Drugs, Crime, and Social Isolation: Barriers to Urban Opportunity *(Urban Institute Press, 1992). This article is based largely on information in my 1991 book,* William Dorsey's Philadelphia and Ours: On the History and Future of the Black City in America. *Dorsey, an adviser to W.E.B. DuBois on the 1897 classic,* The Philadelphia Negro: A Social Study, *left a recently discovered trove of some 388 scrapbooks full of materials relating to African-Americana, notably but not exclusively dealing with the life of his native city, which enables a far fuller picture of urban black America than any previous source.*

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stress racial discrimination, others government policy, economic change, or a distinctive "culture of poverty." One of the few things common to the whole argument is a failure to begin at the beginning, to look at the history of urban black America for an explanation of its current situation and prospects. I hope here to clarify the debate through a look at that history, principally but not exclusively through the experience of a single city, Philadelphia.

The relevant "beginning" is the time from 1865, the end of the Civil War and slavery, to about 1900. This was the period when black Americans, finally citizens in law if not yet fully in practice, began the long move off southern farms that would transform them from an overwhelmingly rural into an overwhelmingly urban people. Philadelphia was then metropolitan headquarters for urban black Americans, just as it is now painfully typical of black urban distress. A historian immersed in the earlier era is struck continually by the fact that virtually all modern issues, and many modern experiences, were anticipated a century ago. During the 1890s W.E.B. DuBois listed the three main problems of Philadelphia's black community as, in order: crime, family life, and work habits. The black leadership then stressed the need for a new black aesthetic to combat imposed "white" standards of beauty, debated the merits of integration versus separation, argued about the problem of dependence on a single political party, weighed the relative advantages of outside aid and self-help, and wondered whether to call themselves by the Spanish word for black, "Negro," or to acknowledge a common ancestral homeland with the term "Afro-American." But the most striking parallels—and differences—are economic.

Black progress after the Civil War

The decades after the Civil War were a time of enormous black advancement, especially for the black middle class. But during this era of progress, like the more familiar one that followed World War II, the black middle class was undermined by weakness below it. In neither period—although for entirely different reasons—was the urban black majority able to participate securely in the dominant economic experience: then, the urban industrial revolution, and post-World War II, the service revolution. The most striking difference was that then, despite both an absolute level of poverty and a racism far worse than either of their late-twentieth-century equivalents, the black population suffered from relatively few of

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the structural and social handicaps that now define the underclass. But the biggest burden that blacks were made to bear then—an almost total exclusion from the dominant economy—did succeed, over time, in crushing too many, and led directly to the crisis we now face.

What made Philadelphia the metropolitan headquarters of nineteenth-century black America was first its size; the second largest city in the nation had the biggest black population in the North.[1] Since roughly 90 percent of blacks still remained in the rural South, black Philadelphia was then small by modern standards. The official census showed that the black population grew from about 20,000 to 65,000 between 1870 and 1900, the latter figure representing a little over 5 percent of the city's inhabitants. But this and other city populations made up in distinction what they lacked in numbers, and the direction and pace of migration were already making it clear that the future lay in the city. And the story of black Philadelphia was then the urban black experience writ large.

Since the eighteenth century, Philadelphia had been headquarters of the A.M.E. (African Methodist Episcopal) Church, at that time the largest single black organization in the United States. As missionaries flooded south to harvest the freedmen during and just after the Civil War, membership in the A.M.E. soared twenty-fold between 1860 and 1880, from roughly 20,000 to 400,000. Philadelphia, then and later, was the A.M.E.'s Rome, "Mother Bethel," the place from which the best and brightest were given their marching orders. These emissaries were soldiers of Christ but also of secular deliverance, sent out nationwide as ministers and bishops to organize political parties and schools, as well as churches. During the same era the A.M.E. Book Concern, the only black publishing house in the world, produced not only religious tracts but books and journals of general political and cultural interest, written by men and women of all denominations.

The second-largest black organization was centered only a few blocks away. The Grand and United Order of Odd Fellows was the most important of several fraternal organizations, such as the Masons, founded to provide modest sick and death benefits, as well as social activities, for initiates all over the country. The fact that

[1]Some places below the Mason-Dixon Line, such as Washington, D.C., did have larger black populations, but neither New York nor Chicago would catch up, absolutely or relatively, until the twentieth century.

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headquarters and national conventions were located in the Quaker City meant that philanthropists and politicians from Tallahassee to San Francisco routinely called there for advice.

A third key institution, the Quaker-founded but black-run Institute for Colored Youth (ICY), was the newest, its rigorous academic program dating from just before the Civil War. The ICY was alma mater and/or employer of the first three black women college graduates in this country, the first black man to earn an undergraduate degree from Harvard University, and the first black holder of a doctorate, a physicist from Yale University. The Institute boasted that it sent more teachers to the South than any other school in the country. Like the A.M.E. and the Odd Fellows, the ICY was one center of a network that linked urban black leaders across the country, as marriages, social excursions, common origins, institutions, and publications kept men and women from New Orleans, Chicago, and Boston in touch with each other and their common history.

All these institutions helped foster a lively intellectual life. Blacks' legendary hunger for education following the Civil War was shown locally by the enthusiasm for graduation ceremonies at the Institute for Colored Youth. During the 1860s, although the graduates were still few and the entire black population of the city was officially no more than about 20,000, the ICY had to hire the Academy of Music, then the largest hall in the country, to hold the huge crowds that wanted to see some eight or nine young people declaim their graduation orations and walk across the stage.[2] As black literacy in the city soared from roughly 20 percent to 80 percent over the final thirty years of the century, some twenty weekly newspapers and one short-lived daily fed the black community's appetite for literate information and entertainment and, equally important, served as publishing outlets for aspiring black writers of everything from feature articles to poetry.[3] By century's end, dozens of other black men and women worked for white journals

[2]Although the number of graduates grew in later years, graduation was unnecessary for teachers. At a time when only about 1 percent of white Americans earned high school diplomas, the equivalent of an eighth-grade education was more than enough to qualify teenagers to teach younger ones.

[3]"Networking" among leading blacks was fostered by the contemporary newspaper habit of printing excerpts or indeed whole articles from other papers across the country. Dozens of black journals, many of which exist now only in William Dorsey's collection, also printed regular columns entitled "Letter from New Orleans," or wherever, keeping the readership informed of political, racial, religious, and social news throughout the country.

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and magazines, and Florence Lewis ran an entire department of the old *Philadelphia Bulletin*. Several black Philadelphians published volumes of poetry, Gertrude Mossell and John Durham wrote novels, Frances Harper a play, and William Still a best-selling history. Others wrote autobiographies, theological tracts, and appeals to racial pride.

Professionals, politicians, and white recognition

Education also translated into professional gains. While the local community had been served by just one educated black doctor in 1870, the number of trained black physicians soared over the long generation that followed. The University of Pennsylvania's first black medical student, Nathan Mossell, was at first surrounded by a screen so that the sight of him would not disturb his white classmates. But Mossell, class of 1882, was not the first black doctor educated in the city. Reflecting the extraordinary role played by women in the community, Rachel Cole and Caroline Still Anderson had earlier received medical degrees from Women's Medical College. With the medical schools of the University of Pennsylvania, Temple University, Thomas Jefferson Hospital, and Women's Medical all now open, by 1900 the number of black doctors in Philadelphia reached over a dozen, enough to staff a separate Frederick Douglass Hospital and Nursing School. Far more were sent to other places, from California to Africa, including the first blacks and/or women to practice medicine in the states of Alabama, North Carolina, and South Carolina, and the cities of Chicago and Atlanta.

The situation of lawyers had been even bleaker than for doctors at the opening of the Civil War. At that time, outside of two New England states, even free blacks were denied the benefits of full citizenship. Pennsylvania, like most states in the North, grudgingly bowed to the Fifteenth Amendment in 1870 and granted blacks the vote. Two byproducts of this advancement were the rights to serve on juries and to practice law. The city's first black attorney, John Lewis, arrived from Yale in 1876; as with doctors, Philadelphia boasted about a dozen more attorneys by 1900, not counting the others it exported, especially to the South.

Blacks found many ways in this period to deal with discrimination in public facilities; one patron of a reluctant restaurant, who was charged the modern equivalent of $20 for a cup of coffee and a piece of pie, calmly finished his snack, threw a dime and several

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hundred toothpicks on the floor, and told the proprietor to sue him for the balance. But the law was more often ally than enemy in the North, and the new black attorneys joined others in taking advantage of a strong federal Civil Rights Act, passed in 1875, to mount a spate of suits that effectively desegregated much of Philadelphia.[4] More directly, of course, the power of the vote itself pushed politicians to desegregate all public facilities, culminating with the school system in 1881.[5]

The vote, too, slowly opened public office and, even more important, jobs in civil service. As with doctors, lawyers, and journalists, the starting point in the 1860s was effectively zero. But the number of black public school teachers in Philadelphia had reached over thirty by 1900, including several principals. The number of policemen was twice as great, and educated clerks, draftsmen, federal postmen, and customs officials added an important layer to the local middle class.[6] Although most of these jobholders had no hope of promotion, the city's black officeholders held out a solution. Because the city's blacks consistently outscored their white competitors on written tests of all kinds—Robert Abele, for instance, set a record on the Pennsylvania State Qualifying Examination for Physicians in 1897—the first distinctively black demand raised in local politics was that all offices be put under civil service and that all appointments be made in order of merit. Even the white press generally agreed that black civil servants (and, a historian would add, blacks as a group) were overqualified for their jobs in this era, as the result of a general refusal to promote them to positions where they might have authority of any kind over white workers.

Although the demand for civil-service appointment by merit was never granted, all blacks could take pride in the recognition

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[4]The law made a genuine difference. However, the federal act was disallowed by the U.S. Supreme Court in 1883, and was succeeded only by a weaker state statute. Under this hard-to-enforce act, Philadelphia, like many other northern cities, was effectively resegregated, and older blacks in the city today remember when they were confined, for example, to separate sections of movie theaters.

[5]School desegregation, too, had its limits, and although the city's two high schools had to be open to all, and blacks such as Alain Locke and Jesse Faucett later led their respective classes at Central and Girls' High Schools, much of the system remained segregated de facto.

[6]The earlier-mentioned Institute for Colored Youth was also notable for the number of diplomats it produced in this era, beginning with Headmaster Ebenezer Bassett, the professor of Greek whom President Ulysses S. Grant appointed minister to Haiti in 1869, the highest government job to which any black could aspire for generations, with the exception of the equivalent posting to Liberia.

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they won from whites in two other areas—sports and entertainment, especially music. Colleges such as the University of Pennsylvania and Harvard University first admitted blacks in this period, and then discovered that some of these new student athletes could run track and play football as well as their young white counterparts. By the late 1890s, as college sports became a business, athletic scholarships were born, and blacks as well as whites were recruited from such places as Philadelphia's manual-training schools, miraculously hurdling the entrance examinations in Latin.

Although barred from many openly professional sports, such as baseball, blacks made enormous strides in other arenas. For example, the jockey Isaac Murphy won the Kentucky Derby three times during the 1880s, earning the modern equivalent of several million dollars over his career. Three generations before Joe Louis, heavyweight Peter Jackson, a colorful poetry-writing international celebrity and favorite with the press, was "followed everywhere by huge black crowds, who regard him as a modern Samson of their race and vindication of their claim as equal," according to a contemporary account in Dorsey's collection. When Jackson was denied a title shot by John L. Sullivan, who said that he didn't fight "pigs, dogs, hogs or niggers," it was left then to a smaller man, Boston's lightweight George Dixon, "Little Chocolate," to open a long string of triumphs by winning the title in 1890 and becoming the first black athlete to win a world crown in any sport.

In the same period, too, after a long era in which much American song had been borrowed, at one remove, from black music, the debt was openly acknowledged. Before the Civil War the enormously popular minstrel stage had been reserved exclusively for white performers in blackface. After the war, blacks were first allowed on stage and then conquered it—although by convention they still had to wear burnt cork, whatever their natural complexions, so that a form that had begun with whites imitating blacks ended with blacks imitating whites imitating blacks. Europeans, meanwhile, were more open; serious black artists had long starred on the continent and earned powerful praise from such composers as Anton Dvořák.

Working class—not underclass

If growing white recognition and more tangible gains among the black middle class meant little directly to the black urban majority, that majority, too, was doing better than it had formerly.

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Most Americans then lived very simply; as of 1880 over half the white population of Philadelphia, and 90 percent of the black population, would by current standards be defined as living in poverty. But at the same time the post-Civil War decades witnessed the greatest economic expansion in our history, and as the urban industrial revolution took hold all citizens enjoyed higher real wages. If the black majority was both absolutely and relatively poor, even its bottom half was by no means an underclass.

To be more specific:

1. Proportionally more urban blacks than whites were then employed in the money economy, all across the country, in part because black women, unlike white women, had no tradition of quitting work when married. Blacks enjoyed a proud reputation, at least in Philadelphia, of avoiding charity of all kinds, and were especially noted for the number and range of their mutual-benefit or self-help organizations. The great majority of blacks, partly because they were denied commercial insurance, belonged to one or more of these associations, which paid sick benefits and funeral expenses for the members in return for small weekly or monthly fees. Many belonged to several such organizations.

2. Medical records involving deaths from alcohol-related diseases confirm the contemporary impression that blacks had less trouble with the dominant drug than did whites. And despite a few reports of cocaine use, toward century's end the most troublesome contemporary drug next to alcohol was morphine, the largest class of addicts being middle-class white women.

3. Although black rates of violent crime were undeniably high, and rose over the period following the Civil War, they were far lower than today's. In the middle decades of the nineteenth century, black murder rates were lower than those of their immigrant Irish competitors, while Italian murder rates some years later soared well above those of blacks.

4. The majority of blacks not only believed in but practiced matrimony. Although their marriage rates were somewhat lower than the urban white average, and illegitimacy was higher, the figures have two easy explanations. The great majority of black city women worked as domestics, most of them living in, making marriage and children extremely hard to manage. Most black men, meanwhile, earned only about half of what it took to support a family of four.

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5. Black birth rates in the city were substantially below those of whites. Most urban immigrants, whatever their color or ethnicity, had smaller families than they had been used to on the farm or in peasant households, for the classic reason that youngsters in the country were extra hands from a very early age, but long remained only extra mouths in the city. Most foreign immigrants were able to counter this, to some degree, by putting children to work in factories at ten or twelve years of age; however much we now deplore child labor, they thought it essential to keep up the family income. But blacks had no choices in Philadelphia; no one would hire their children. As a group, most of whom lived in the rural South, black Americans had more than 50 percent more children than the national average. In Philadelphia, a typical city in that all groups tended to have smaller families, black women in 1890 had nearly 20 percent fewer children than white women. By 1900, the figure had dropped to nearly 30 percent fewer.

6. Urban blacks were neither geographically nor socially isolated. Doctors, lawyers, and laborers lived in the same neighborhoods, in part because of residential semi-segregation. Most lived toward the center of the city, close to the railroads and docks they served as laborers, or the rich they served as domestics. They were joined together by an astonishingly thick network of churches, mutual-benefit associations, bands, teams, and social and political clubs. The great majority belonged to one or more of these associations (there was roughly one club officer to every black household in Philadelphia) and the biggest associations were interlinked across class lines.[7]

The role of racism

It should be clear, then, as much recent scholarship on slavery has stressed, that blacks emerged from the Civil War without crippling handicaps, and with reasonably strong family systems, work habits, and social institutions. Black Philadelphians—most of them migrants from the South—were not only willing but able to do the kind of work offered by the great city, in many respects better able

[7]Some organizations were intended to be exclusive to the elite, but few lacked some larger purpose beyond mutual entertainment. Their structure ensured that the elite had to appeal to others. Most of the bigger groups, notably the fraternal organizations, political clubs, and churches, put a high premium on the number of members, and the leaders had to be elected. Other associations went to the wider public to sell tickets to games, balls, or excursions, with tangible prizes and intangible prestige going to those who sold the most.

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than the foreign immigrants who in fact soon bypassed them. The fact that they did not was simply because they were not allowed to—not only denied a place on the vaunted American "ladder of opportunity" but in some cases actively kicked off.

The fundamental reason was open racism.

This is a word currently much used, but by historical standards much debased. In its late-nineteenth-century heyday, when the authority of the pseudoscience of Social Darwinism made it fashionable among the most educated, this racism implied that blacks and whites were so different as to be virtually separate species. And it generated an astonishing amount of nonsense.

Thus a professor at Johns Hopkins University declared that blacks were dark because insufficient oxygen in the air of their native Africa had left them with unburnt carbon deposits in the skin. Physicians at an international conference in Paris discussed the significance of the "fact" that blacks do not sneeze. And doctors at Philadelphia's Hahnemann Hospital, called to deal with a policeman bitten during an arrest, confirmed folk fears of what on the street were called "blue-gum niggers" by solemnly declaring, more delicately, that "certain members of the Ethiopian Race," much like rattlesnakes, had poison sacs behind their gums.

The only saving grace in all this was said to be that, freed from the protection offered by slavery and thrown into competition with their white superiors, blacks would conveniently solve the race problem by dying out. Interbreeding had bought some of them a little time but weakened their constitutions, and mulattoes, much like mules, would prove sterile in four generations at most.

These beliefs were of course not universal, and there were always whites with enough common sense, or enough religious conviction about the brotherhood of man, to treat their fellow citizens with decency. The state of race relations defies easy summary, with many episodes of empathy and even love alternating with stories of insensitivity and violence. Northern papers, especially in their sports columns, routinely deplored racial prejudice, and so did most northern politicians. Reputable black leaders were treated with great respect—the state supreme court waived the residency requirements for the first lawyer, John Lewis, for example. And yet racism was powerful enough to cripple black attempts at advancement both by robbing blacks of traditional skills and by denying them the newer skills practiced in the newest, most vital, industrial sector of the economy.

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Many blacks before the Civil War had practiced the best-paying blue-collar skills, such as carpentry and masonry; after the war both unions and employers, all over the country, combined to drive them out. The blame may be shared equally. National unions, still new in this period, generally proclaimed their willingness to welcome black members, but all-white locals, in an era when ethnic clan spirit ran high, were far more powerful, and the men often acted on their threats to walk off any job if blacks were put beside them. The few breakthroughs were encouraged from the top, but although some employers were genuinely sympathetic, most commonly they used black men and women as strikebreakers and then abandoned them when their regular employees returned.

The exclusion of blacks from the better blue-collar jobs can be seen in occupational counts of the time. In Philadelphia, the several prewar plumbers disappeared entirely from later censuses. Two counts of the community's carpenters and cabinetmakers, in 1861 and 1883, came up with precisely the same totals, five and one, despite an official population increase of roughly 50 percent and a booming economy. Apprenticeship was the best way to learn a trade, but for young black men the prospects were virtually nonexistent. Racism in the period's unions meant that, as the city's *Evening Telegraph* put it, blacks could "no more find entrance into the skilled handicrafts than they could fly into the upper air." On the other hand, those black craftsmen who were able to carry on were not employed fully enough, it seems, to require regular help, and thus young apprentices, of any kind.

It was even easier to keep blacks out of the newer bureaucratic and factory jobs opened by the urban-industrial revolution. Outside of the civil service, despite their great gains in literacy, black Americans were almost wholly unable to ring their faces with white collars, as graduates of business colleges were unable to find work as secretaries. This was an era when a host of institutional and technological advances such as the typewriter, telephone, and department store created an army of new white-collar and bureaucratic jobs, from which blacks were excluded. Most important—and hardest for modern observers to grasp—factory work, all across the country, was considered too good for black workers.

The significance of this cannot be overstressed. Virtually everywhere blacks were deliberately shut out of the modern sector of the economy. Although Philadelphia had perhaps the most varied manufacturing base in the world, the bottom line was that as of

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1900 nearly 90 percent of those blacks who worked in the mainstream economy at all did so "below the collar line," with hands and backs, the great majority in just two census categories: "unskilled labor" or "personal and domestic service." That is, they were confined to jobs more characteristic of the Middle Ages than of the nineteenth century—let alone the twentieth century.

According to the 1900 Census, fully 76 percent of blacks in Philadelphia worked in either "unskilled" or domestic and personal service jobs, compared to just 28 percent of white immigrants and 12 percent of whites of native parentage. Only 8 percent of black workers were employed in manufacturing of any kind—most in low-skill, preindustrial jobs such as brickmaking—compared to 47 percent of white immigrants and 40 percent of native whites.

These results of racism combined with racism itself to undermine, over time, most of the strengths and advances of the black community. The poverty of the majority, first, undermined the position of professionals. Although black men and women could win degrees, that was no guarantee that they could make a living. As whites would not hire them and blacks could not afford them, licensed black physicians were found working as bellhops in downtown hotels. In the early twentieth century not one of Philadelphia's black attorneys could make a living through his law practice alone.

As continued migration northward combined with racism to create ever-larger ghettos, black businesses lost fearful white customers, a patronage that could not be recovered by the impoverished black majority. The troubled history of black entrepreneurship cannot be traced in this short space. But it was universally agreed that black businesses were in decline after the Civil War. The most successful, such as catering and restaurants, barbering, and furniture moving, depended on white patronage that was lost when whites grew fearful of entering the ghettos to which the proprietors were confined. Those enterprises that were left were the type that actually thrived on segregation, such as undertaking or beauty parlors, and merely recirculated money within the black community instead of bringing it in from the white community.

Dependence on Republicans

The fact that many blacks fled to more secure employment in the public sector as civil servants proved an ambiguous benefit. The issue of jobs in government and related businesses was by far the

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most important political concern in late-nineteenth-century black Philadelphia. With the partial exception of public-school teaching, government jobs ordinarily were restricted to loyal voters and party supporters. In Philadelphia, as across the nation, black voters newly enfranchised after the Civil War normally voted for the Republican Party, which they credited with winning the war, freeing the slaves, and granting the vote. To keep this sense of gratitude alive, as the urban black electorate swelled in the later nineteenth century, the GOP granted a number of political jobs to blacks, although sometimes grudgingly. Postal employees were the first appointments. Many members of the local black elite were employed by the post office, though following the rule that generally kept blacks out of jobs where they might have to deal with white citizens, especially from positions of authority, none of them was allowed during the nineteenth century actually to deliver the mail.

The symbolic issue of authority helped make the police department the focus of black demands. As the memory of the Civil War faded, it was not a Republican but a Democratic reform mayor, Samuel King, who as part of a bid for black votes in 1881 appointed the city's first four black policemen.[8] On August 22 some 2,000 people, or roughly one-third of the total number of black voters, crowded into Liberty Hall to celebrate the appointments, joined by leading white abolitionists. Despite considerable controversy—an ex-mayor declared that "darkies, uniformed as officers, and empowered to lay violent hands upon white men ... is an insult too unpardonable to think of"—by the end of his term, Mayor King had appointed thirty-five black policemen, a number then far bigger than the total number of schoolteachers, messengers, janitors, or clerks employed by the city. By 1891, there were sixty blacks on the patrol force, a percentage reasonably close to the official black proportion of the city's population. But although much of this progress was due to Democratic efforts to win new voters, black leaders were largely unable to shake an almost monolithic dependence on the Republicans, or to make politics a route to genuine economic advancement.

[8]At a time when there were still no formal requirements of any kind for police officers, the black appointees stood out for their qualifications. All four were settled married men. One, a newspaperman, was an ex-slave, a graduate of Lincoln University, and a former law student at Howard University. Another was a Civil War veteran, secretary of the Equal Rights League, active Mason, music teacher, and longtime leader of his Presbyterian choir.

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One problem was that civil-service jobs made many black leaders passively dependent on white politicians. The right to vote in the late nineteenth century was unquestionably a benefit to Philadelphia's blacks, but political activity was not as rewarding for them as for the Irish and others. The problem was that the unique economic situation of the black community—its exclusion from the wider rewards of the urban-industrial revolution—combined with racism and dependence on a single party to make it uniquely vulnerable to political exploitation. The legitimate rewards of politics—despite their great importance—were relatively few, and the illegitimate rewards were all too common. In general, the jobs—when there were any for blacks—went directly to the elite. Large numbers of other blacks were enrolled in political clubs simply to fight or cheat at the polls, and were paid in the form of election-day bribes, lenient treatment from the magistrates when brought up for minor crimes, or quasi-official permission to run speakeasies and bawdy houses with little interference from the authorities. Neither the respectable nor the disreputable had power enough to combat political dependence.

The growing dependence on the Republican Party cannot be blamed on the city's black leadership. First, there was the simple fact that the Democrats grew weaker in the city, state, and nation as the century progressed. In Philadelphia, during the 1870s and 1880s, the minority party could count on about 40 percent of the vote, enough in a decentralized system to win a number of offices; by the later 1890s, this percentage had sunk closer to 30 percent, and the party was generally shut out. The doubly paradoxical result was that although the black vote grew progressively bigger, it was progressively less crucial to the GOP and still had nowhere else to go.

The other reason for dependence was the central fact of exclusion from industrial and other good jobs, and the failure to win them through legitimate politics. This was decidedly not the result of neglecting the issue. Politically articulate blacks of every persuasion continually stressed the need for better opportunities. Business leader Robert Jones in 1878 called for jobs not only in government but in the gas company, which was notoriously close to the city's Republican "Ring." Repeated calls were made, unsuccessfully, for a share of government contracting jobs. Many hoped the police appointments might help to conquer the wider prejudice against blacks in uniformed authority, the usual reason given for

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refusing to hire them as, for example, streetcar conductors. But the city's Republican employers did not respond by opening up jobs in the private sector, nor did local unions tolerate competition with white workers. In 1898, for example, white workers successfully struck against the hiring of two black motormen by the Philadelphia and Western Streetcar Company. The result of the failure to provide private-sector jobs, and the fact that the limited number of government jobs went mostly to members of the educated elite, was that there was nothing legitimate to offer the hundreds of black men who enrolled in all those political clubs to march, burn, and fight for the GOP.

The use of illegitimate political rewards was one of several factors that encouraged growing rates of crime. As the underside of the "entertainment" story, white politicians turned the nation's major black neighborhoods, from Beale Street to Harlem, into places semi-officially zoned, by white officials, as red-light districts, places where crime and violence ruled, and where the most attractive role models available to the young were successful gamblers and prostitutes. The growth of black crime in general, and of murder rates in particular, is a complex story. Obviously the historically justified fear of white violence, and the tensions created by living, involuntarily, in districts full of wired-up strangers looking for action, helped encourage the habit of carrying weapons, which were then all too handy during routine arguments with family and acquaintances. But another social-psychological dimension resulted from black exclusion from the regimenting effects of industrial and bureaucratic work. These effects are shown in the relatively rapid decline in homicide rates among Irish and Italian immigrants, two other ethnic groups with high levels of preindustrial violence, as their integration into the industrial work force demanded unprecedented levels of sober, disciplined, orderly behavior, which carried over into their private lives.

A second golden age

The foregoing historical sketch makes it easier to trace the origins of the modern underclass. We cannot blame its condition on a handful of southern slave owners, in a society long gone with the wind. Its ultimate origins lie instead in a racial discrimination that, well after the Civil War, denied economic opportunity to a black population that a century ago was ready, able, and eager to seize it. That denial, condoned if not supported by the majority of white

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Americans, doomed the great majority of urban blacks to poverty. This in turn crippled a once promising effort to build an independent professional and entrepreneurial middle class. And the effects of frustration were not merely long lasting, but cumulative, as the nineteenth century gave way to the twentieth century.

From the turn of the century to World War II, the urban black majority continued to make only slight gains in industrial employment. It continued to lose ground to white competitors in social conditions, as measured by growing gaps in two strong indicators: murder rates and the percentage of two-parent families. The proportion of black professionals, especially doctors, continued to decline across the country, as the failure to make significant gains in private white-collar employment killed the great faith in learning and bred instead a snowballing sense that education gets you nowhere—if you are black.

This pattern was broken by the labor shortage of World War II, which, like the Civil War, ushered in a kind of second "golden age" for urban black America. This more familiar era brought important new gains in office and, most dramatically, in factory employment. By 1960, the census recorded that proportionally more blacks than whites were living in cities, and more blacks than whites, in Philadelphia as across the country, were working in factories. This second golden age, like the first, brought well-publicized breakthroughs in civil rights, middle-class occupational advancement, and higher education. Unlike the first, it also brought strong employment benefits to the working-class majority and was accompanied for many years by, among other things, falling black murder rates.

But again, like the first golden age, this one was built on sand, although for different reasons. Direct racism was of waning importance. Nevertheless, if no longer shut out of the urban-industrial revolution, blacks were instead let in too late. During the 1940s and 1950s blacks in effect were piped aboard a sinking ship, welcomed into the urban industrial age just as that age was dying, with industrial cities losing population and jobs. As black unemployment, which hit a new low in the early 1950s, began to climb again into double digits, the indices of crime and family instability began again to climb as well.

The visible advances for the middle class continued for some years, and by the 1970s the proportion of educated professionals finally regained the levels reached three generations earlier. But

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once again, without strong support from below, these educational advances were undermined. Collegiate enrollment peaked in 1976, putting an end to the second golden age after a little more than thirty-five years—almost exactly the length of the first one. Here we have been ever since, with dying cities and industries not only spawning an underclass but threatening the hard-won gains of the black—and indeed the white—working and middle classes.

The origins of the modern underclass

Although the public often focuses on crime and drugs in the cities, virtually all social scientists can agree that these are symptoms, rather than fundamental causes, of the black community's separation from the urban mainstream. From a historical perspective, four developments combined to kill the hopes and cripple the potential enjoyed by the black majority in the first decades after slavery.

The first of these developments, already sketched, was the long-standing economic discrimination that guaranteed poverty. Three secondary problems have resulted from this history. One of these problems is, for too many blacks, the development of a cluster of negative values and attitudes involving family and education, stemming from all those years when the pains of winning an education far outweighed the gains it might bring, and when it was nearly impossible for a man to earn enough to sustain a family. A historian hesitates to enter the fiercely ideological debate among sociologists that revolves around the phrase "culture of poverty." But without endorsing the views of the more ardent advocates of the concept, and without "blaming the victim," it is clear to a historian that some widely transmitted values, attitudes, or priorities now combine to keep many ghetto-dwellers from entering the economic mainstream. To deny that three or more generations of frustration and discrimination have had an effect is to deny the importance of history itself. And the fact that, for example, the number of black two-parent families declined, however marginally, even during the prosperous 1940s and 1950s, indicates one of the ways in which inherited experience may triumph over present circumstances. Similarly, the failure of many contemporary blacks on standard written examinations—a failure that stands in contrast to the successes of their post-Civil War ancestors, as well as to those of modern immigrants from Africa or the West Indies—suggests that the problem lies less with cultural bias in the

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tests themselves than with a longstanding and for many years legitimate suspicion of the benefits of standard education.

A second factor is the growth of huge segregated ghettos, which in time cut off many urban blacks from potential employers or customers (geographical isolation) and, once the middle class was able to escape, created large pockets of only the poor (social isolation). Although the negative effects of social isolation, which rob whole neighborhoods of working role models, are real, so were the costs of the tight residential segregation that preceded it. The costs to the middle class of living in high-crime districts, not the least of which was the problem of transmitting values to their children, were widely recognized in earlier years.

A third, more recent reason for the growth of the black underclass, more directly important now than a relatively faded white racism, is the shift from a manufacturing to a service economy. This new service economy demands levels of literacy and numeracy higher than the species has ever had to meet before—a problem that black Americans share with millions of white ones, and indeed with millions more in Europe and elsewhere—as those who are unable to meet the skill demands lose good jobs for bad ones, or none at all. For black Americans, the irony is that the manufacturing jobs now being lost were only recently won. A history stretching only as far as grandparents' memories of the "good old days" of the 1940s and 1950s is not enough to place current experience in perspective. During periods of fundamental economic transition, black Americans always have been especially vulnerable to exclusion from the new economy.

Public policy, finally, did not directly cause either the racism or the economic shift that have created the underclass. But it has played a role, and may perhaps play another. Policymakers for generations failed to deal effectively with racism and more recently have failed to deal effectively with the differential impacts of economic change. Since the 1980s they have instead often implicitly encouraged the first and tolerated or aggravated the negative effects of the second. In many ways Philadelphia and the nation's other big cities have become monuments to the inability of public policy to work on behalf of the black community.

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How the Great Society "destroyed the American family"

DANIEL PATRICK MOYNIHAN

What we are seeing in the inner city [is] essentially the grim harvest of the Great Society ... because we are seeing the breakdown of the family structure, largely contributed to by welfare policies.... We now have a situation in the inner cities where 64 percent of the children are illegitimate, and there's a very small wonder that we have trouble instilling values in educating children when they have their home life so disrupted.

—Attorney General William P. Barr, appearing on "This Week with David Brinkley," April 26, 1992.

THIS ELECTION YEAR will be the first in American history in which the issue of welfare dependency has been raised to the level of presidential politics. Not, that is, the issue of persons who are out of work, but rather of persons who, typically, are not in the work force. At the outset of the year

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there were 4,719,000 AFDC cases with a total of thirteen million recipients. By contrast, in January there were some eight million persons unemployed.

President George Bush set the pattern in the following passage of his January 1992 State of the Union address:

> Ask American parents what they dislike about how things are in our country, and chances are good that pretty soon they'll get to welfare.
>
> Americans are the most generous people on earth. But we have to go back to the insight of Franklin Roosevelt who, when he spoke of what became the welfare program, warned that it must not become "a narcotic" and a "subtle destroyer" of the spirit.
>
> Welfare was never meant to be a lifestyle; it was never meant to be a habit; it was never supposed to be passed from generation to generation like a legacy.
>
> It's time to replace the assumptions of the welfare state, and help reform the welfare system.

As we later learned, out in Arlington Heights, Illinois, White House strategists assembled a focus group with hand-held Perception Analyzers, each with a dial hooked up to a computer. Viewers were told to turn up to 100 or down to 0 as they approved or disapproved parts of the speech.

The address wasn't that much of a hit. The declaration that "The Cold War didn't end. It was won," left the focus group, well, cold. There were, however, two big scores. "This government is too big and spends too much" came in at 94. "Welfare was never meant to be a lifestyle ... passed from generation to generation like a legacy" hit 91. Had the President declared, "This government is too big and spends too much on welfare," the Perception Analyzers might have gone into meltdown.

The President took up the theme of welfare reform with yet greater insistency in a Rose Garden press conference on April 10. He announced that he was granting a waiver to the state of Wisconsin to cut benefits to welfare mothers who had a second or third child, which the Congressional Budget Office estimates would come to a third of all AFDC children nationwide.

Whilst all this was taking place, various Democratic candidates were setting forth welfare proposals, notably Governor Bill Clinton, who led the alliance of governors that helped conceive the Family Support Act of 1988. Not to be overlooked, H. Ross Perot ended a question-and-answer session at the National Press Club with an analogy to the fate of the American Indians. "Nothing ever

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stopped them," he said, "until we put him on the reservation." Then this: "Don't ever put anybody on the reservation again. Our current welfare system puts people on the reservation."

All this was associated with a long recession in which welfare dependency rose markedly. The week following Mr. Bush's press conference, *U.S. News & World Report* published a thoughtful article on the subject by David Whitman entitled "War on Welfare Dependency." Cutting back was one theme:

> As public resentment toward welfare crests, presidential candidates and other politicians have started pressing for benefit cutbacks that would have been unthinkable a few years ago.... All told, 31 states froze AFDC benefits last year—and nine more actually trimmed benefits for some or all families. Next year, financially stressed states will likely seek more cutbacks.

There was also a second theme:

> In practical terms, those numbers amount to a kind of social crisis: One in 7 American children is now on relief and roughly 2,000 more are joining the rolls every day.

That same week the *New York Times Book Review* carried a notice of two books on this same subject, *Rethinking Social Policy: Race, Poverty, and the Underclass* by Christopher Jencks, and *The New Politics of Poverty, The Nonworking Poor in America* by Lawrence M. Mead. Both books speak of a crisis. The reviewer, Dennis H. Wrong, notes that one of these describes it as "an American crisis comparable to the Civil War, even as a threat to the basic values of Western civilization."

A crisis foretold

As it happens, this is precisely the crisis I forecast in a policy planning paper written in the U.S. Department of Labor just twenty-seven years earlier. This paper, sent to the President, began with a one-sentence paragraph:

> The United States is approaching a new crisis in race relations.

The crisis would be associated with the social structure of inner-city black communities. This was in March 1965. In September of that year, in the Jesuit journal, *America*, I put the proposition more graphically:

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> From the wild Irish slums of the nineteenth-century Eastern seaboard, to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, disorder ... that is not only to be expected; it is very near to inevitable. And it is richly deserved.

Let me set forth the simple background of the report, entitled "The Negro Family: The Case for National Action." I was then Assistant Secretary of Labor for Policy Planning and Research. This was a new position; part of the style of government in the New Frontier. I had a small but exceptionally able planning staff, some half dozen persons in all. I also had a nominal supervisory relationship to the Bureau of Labor Statistics.

In 1963, we had set about trying to develop correlations between unemployment data of various sorts and other indicators of social disorder. We began to find strong correlations between "manpower" data (as we would have said at that time) and family indices of various kinds. Most striking was the relationship between the nonwhite male unemployment rate and the number of AFDC cases opened. Between 1948 (when the present unemployment data series begins) and 1961 we found a correlation, as I recall, of .91. Whereupon the correlation, having already weakened, went negative. The unemployment rate went down, the number of new AFDC cases went up. James Q. Wilson has called this "Moynihan's scissors." It persisted through the decade.

As I later showed in a paper in the Annals of the American Academy of Political and Social Science, this "scissors" occurred over a considerable range of subjects. Thus the percent of nonwhite married women separated from their husbands continued to rise even as nonwhite male unemployment dropped. *Something* was happening.

I must be clear. I did not know *what*. I was well beyond my methodological depth. You ought to have known a lot more than I did to feel comfortable telling the President of the United States that the nation was "approaching a new crisis in race relations." Yet we were not alone in sensing trouble. At this time, for example, Kenneth Clark was writing of the "massive deterioration of the fabric of [black] society and its institutions," of "the tangle of pathology" in what we would come to call the inner city, of "protest

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masculinity," and so on. What we added was the sense of impending instability, the possibility, as I would write in *Commentary* in 1967, "that the situation had begun feeding on itself." In any event, as President Kennedy would say, to govern is to choose. If we were wrong, I thought, no great harm could come of it; I chose to bet that we were right.

As it turned out, we were right enough in our forecasts. Let me be spare in the particulars. Something did snap in the early 1960s. The illegitimacy ratio among blacks rose from 24 percent to a current 63.5 percent. Of black children born between 1967 and 1969, 72.3 percent were on welfare before reaching age eighteen, which is to say they were paupers; not a pretty word but not a pretty condition. Census data show that in 1964 some 75 percent of black children under age six were living in a married-couple family. By 1990—in a steady descent—this ratio had dropped to 37.4 percent.

Alan Wolfe of the New School for Social Research sums up the situation in a recent *New Republic* review essay:

> Whatever progress has been achieved for middle-class blacks ... the condition of the urban black poor has deteriorated over the past quarter century, to the point where it threatens all the other gains in race relations that were realized during the same period.

This, of course, is precisely as forecast.

However, I was absolutely wrong in thinking that no harm would come of this work. Possibly great harm was done. This was not clear at the outset. Rather the contrary. In a hurried sequence in early June, 1965, President Johnson decided to make the strengthening of the black social structure, specifically family structure, the theme of a major address at Howard University. On a Thursday, I wrote a first draft, overnight the White House turned out a second, and the speech was given on Friday afternoon, June 4. The response was overwhelmingly positive. The policy paper remained well in the background.

Controversy

The paper became public in the aftermath of the urban riots in the Watts section of Los Angeles some three months later. On August 17, 1965, Bill Moyers, then presidential press secretary, gave out copies to a baffled White House press corps. The next day,

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August 18, Evans and Novak recounted the findings in a column entitled, "The Moynihan Report."

The report soon became available and evoked, for the most part, indignation and denial. In retrospect, it is not hard to see why. Social science is not rocket science. The opening chapter of the report stated:

> There is no very satisfactory way, at present, to measure social health or social pathology within an ethnic, or religious, or geographical community. Data are few and uncertain, and conclusions drawn from them, including the conclusions that follow, are subject to the grossest error.

No one would launch a spacecraft on the basis of an engineering report that warned of the possibility of "the grossest error" in design. There was, and is, no institutional capacity to review the data and the conclusions, such as exists, say, for papers published in the *New England Journal of Medicine*. The report should have been published, but the thesis ought never to have been raised to the level of presidential pronouncement. Even though, to repeat with a measure of insistence, we turned out to be accurate in our forecast.

Sociologist Lee Rainwater undertook to examine the ruckus along with a young colleague, William Y. Yancey. *The Moynihan Report and the Politics of Controversy* was published two years later in 1967. It opens with this passage from Louis Wirth's Preface to Karl Manheim's 1936 work, *Ideology and Utopia*:

> The distinctive character of social science discourse is to be sought in the fact that every assertion, no matter how objective it may be, has ramifications extending beyond the limits of science itself. Since every assertion of a "fact" about the social world touches the interests of some individual or group, one cannot even call attention to the existence of certain "facts" without courting the objections of those whose very *raison d'être* in society rests upon a divergent interpretation of the "factual" situation.

In feverish times—and those were feverish times—this normal disposition can become pathological in itself. One is reminded of Hannah Arendt's observation that the tactical advantage of the totalitarians in Europe in the 1920s and 1930s derived from their ability to turn every statement of fact into a question of motive. I was everywhere attacked in this mode, being charged with "blaming the victim."

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In 1968, rummaging through the data of the Coleman report, I came upon what seemed to me further evidence that family structure, a surrogate for class, would become increasingly significant. Coleman and his associates had obtained information from students as to family composition. In the still caste-segregated schools of the rural South, this circumstance had at most a slight influence on achievement. Ninth graders scored at fifth-grade levels regardless. By contrast, in the urban North, black family structure was associated with almost one year's difference in grade level. For whites the difference was even more pronounced. So, clearly, this was the direction in which things were heading.

The Great Society's legacy

In retrospect, my assessment would be that had the policy paper never been written, or never risen to the level of presidential pronouncement, the social changes it forecast would have come about in any event, and would have gradually been recorded and acknowledged. That would have made it easier for them to be accepted in the political world, and might have given social scientists the opportunity to sort it all out.

The problem was that the constituency groups whose support and involvement was needed to carry forward policies directed to the problem could not accept the problem as we had defined it. And so it came to pass that a generation later it was defined by persons with quite different political sympathies. In the spring of 1992, Attorney General William P. Barr had no qualms on the matter. Family breakdown, which was the source of crime, was the "grim harvest of the Great Society," largely the result of "welfare policies." This is manifestly absurd. The breakdown was there in the data before the Great Society, just as the welfare system was there before the Great Society.

And yet, the Attorney General had a point. Or may have had a point. For a brief time, the Great Society gave great influence in social policy to viewpoints that rejected the proposition that family structure might be a social issue. Accordingly, even if social policy might have produced some effective responses, no such policies were attempted. In that sense, the current crisis is indeed a "grim harvest of the Great Society."

The reaction to the Moynihan report effectively banished the subject from the academy. That period may now be easing, how-

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ever. In 1984 William Julius Wilson and Kathryn Neckerman picked up those "scissors" and began to puzzle anew over the subject. In 1986 they published an analysis showing that the crossover disappears when the number of AFDC cases is charted against the nonwhite male labor force *non-participation* rate. This and other work has led Wilson to fruitful insights into the role of male employment and earnings in the central city—the issues at the heart of our research in the Department of Labor a generation ago.

More recently, economists Richard Freeman and Paul Osterman have looked into the natural experiment of the 1980s, when employment rose dramatically. They found that a tight labor market sharply lowered the official unemployment rate, but did nothing to reverse "the trend toward single-parenthood, to lower the inner-city crime rate or to appreciably reduce the proportion of men who had stopped working." The lesson, according to Freeman, is that full employment "is necessary but not sufficient." All this is consistent, or so I would think, with Wilson and Neckerman's 1986 analysis and with the 1965 report. The problem then as now is that no one has a clue as to what it would take for public policy to be *sufficient*.

Here we come to the crux of the issue of social science and social policy. We are at the point of knowing a fair amount about what we don't know. The past quarter-century has been on the whole productive in this regard. On the other hand, our social situation is vastly worse.

In 1965 we had at least slight purchase on the issue as it was then—the employment nexus. Further, the federal government, along with state and local government, was solvent. Indeed, over a fifteen-month period from early 1969 to mid-1970 I took part in a fierce debate within the Nixon White House, joined in by almost every cabinet department and, of course, the then-Bureau of the Budget, over the desirability of the President proposing to Congress that the federal government establish a guaranteed annual income. This ill-fated proposal became known as the Family Assistance Plan. The subject of cost scarcely arose. It was simply a given that if the idea was defensible on its merits, the money would be found. It will be a generation, if ever, before any such assumption will again be possible within the counsels of the presidency.

And then there are today's epidemics. We have no cure for AIDS, and no pharmacological treatment for cocaine dependency,

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albeit there is reasonable hope that medical science will produce some therapies. As for social science, there would seem to be less confidence than ever. This pessimism is in ways a legacy of the Great Society. In the late 1960s, the American Academy of Arts and Sciences sponsored a long and fruitful seminar on the subject of poverty. I contributed a paper, "The Professors and the Poor," which, on the well-known adage that data is the plural of anecdote, began by telling of a lady who had come to see me at the Joint Center for Urban Studies seeking support for a federal anti-poverty grant and complaining that none were being given out in her neighborhood in Boston. I demurred: Roxbury was being deluged with programs. "Exactly," came the retort from my visitor, "but do you notice they only fund programs that don't succeed." A decade later, Peter H. Rossi would distill this insight in "Rossi's Iron Law":

> If there is any empirical law that is emerging from the past decade of widespread evaluation research activities, it is that the expected value for any measured effect of a social program is zero.

A new candor

This is not a counsel of despair. It is useful knowledge. As recently as 1960, Loren Baritz noted in *The Servants of Power*: "Intellectuals in the United States have long bemoaned the assumed fact that they are unloved and unappreciated by their society." The last three decades have seen a role reversal in this regard. Especially in foreign policy, intellectual academics assumed awesome powers. Much simpler applications come to mind, as for example a recent address by President Bush to the National League of Cities:

> The urgency is clear. We all know the statistics, perhaps you know them better than most Americans, the dreary drumbeat that tells of family breakdown. Today, one out of every four American children is born out of wedlock. In some areas, the illegitimacy rate tops 80 percent. A quarter of our children grow up in households headed by a single parent. More than two million are called latchkey kids who come home from school each afternoon to an empty house. And a large number of our children grow up without the love of parents at all, with nobody knowing their name.[†]

[†]The President, or someone such, might usefully note that illegitimacy ratios are rising in most, if not all, industrial countries. The 1969 Canadian ratio of 9.2 percent had risen to 23.1 percent by 1989.

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So far as I can learn, no president of the United States has ever made such a statement, ever come close to such a suggestion. And there was no objection. It was a statistic. No small achievement of social science, those numbers. But not seen as mysterious or arbitrary. If some overnight opinion poll had told the speechwriters they could or even should use such materials, well, chalk up another social-science achievement—the opinion poll. Surely, the public learned from what the President said, becoming in consequence more amenable to thoughtful action, whatever that might be. No small achievement.

This willingness was much in evidence in an extraordinary speech on "Race and the American City" delivered on the Senate floor in March by Senator Bill Bradley (D-NJ). Here is a sample:

> In politics for the last twenty-five years, silence or distortion has shaped the issue of race and urban America. Both political parties have contributed to the problem. Republicans have played the race card in a divisive way to get votes—remember Willie Horton—and Democrats have suffocated discussion of a self-destructive behavior among the minority population in a cloak of silence and denial. The result is that yet another generation has been lost. We cannot afford to wait longer. It is time for candor, time for truth, and time for action.

The speech was not only extraordinary in its explicitness, but also in its reception. It was the subject of a lead editorial in the *New York Times*, while the *Washington Post* reprinted part of the text. Four days later, at Yale University, Senator John Kerry of Massachusetts offered no less an explicit or extraordinary address:

> I ask you to consider a reality where more than 80 percent of babies are born to single mothers; where young men die violently at a rate exceeding that of any American war; where only one child in three finishes high school and even then, too often, can barely read; where the spread of AIDS and homelessness rips so visibly at the fabric of community; where far too many families are on welfare for far too long; and where far too many children carry guns instead of lunch boxes to school.

Riots past and present

On April 29, within days of these speeches, a jury exonerated white officers of the Los Angeles Police Department in a case involving the beating of a black motorist. Rioting broke out in the black neighborhoods of the city and continued for some days, with great loss of life and property and an even greater loss of compo-

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sure among national leaders. On the basis of what is now known, the tumult followed closely the pattern first described by Harold Orlans (then Orlansky) in his classic 1943 report, *The Harlem Riot, A Study in Mass Frustration*. The sequence began with an altercation in which a white police officer wounded a black soldier. A crowd gathered. A "drunken cop" was said to have killed a black soldier who had been protecting his mother.

The looting that followed was near total, wrote Orlans, save for establishments where "Negro store-owners placed signs reading 'Colored.'" The rioters were young males. The police were targets. "Some 60 policemen were shot, stabbed, beaten, stoned, or even bitten by rioters." Among others, two fifteen-year-old British seamen were mobbed, but Mayor LaGuardia declared, "This was not a race riot." Orlans disagreed, observing that "The Harlem riot was essentially racial, featuring attacks upon white property and the white police force in which the mass of the Negro population joined." He ascribed this to frustration in the paradigm set forth six years earlier by John Dollard in *Caste and Class in a Southern Town*. This pattern was in place for the next half-century. Los Angeles, however, appeared different. The aggression against whites seems to have moved beyond black neighborhoods. The consequent racial fears are likely to be far greater. And so the "new crisis in race relations" of which we wrote a generation ago is now with us, and in a worse form than even we fully comprehended. And yet we seem no longer quite so willing to deny it.

Of all the changes in the political climate now taking place, none seems more important to me than the readiness of welfare "advocates," as they came to be known and indeed to so describe themselves, to acknowledge the "tangle of pathology" which set off a firestorm when I borrowed Kenneth Clark's term a generation ago. Thus, in the current welfare debate, Hillary Clinton, wife of the Governor of Arkansas and former chairman of the board of the Children's Defense Fund, insists that the message her husband is trying to get out is "Quit being a victim." The one recommendation of the 1965 paper on the Negro family was this:

> The policy of the United States is to bring the Negro American to full and equal sharing in the responsibilities and rewards of citizenship. To this end, the programs of the Federal government bearing on this objective shall be designed to have the effect, directly or indirectly, of enhancing the stability and resources of the Negro American family.

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For some time, talk of responsibilities was thought suspect by many. No longer. An editorial supporting Bill Clinton in a 1992 Democratic primary contest observed that "He talks more of opportunity than entitlement, of responsibilities as well as rights."

Social science and social policy

What is more, something we have known for some time, demographics are at last turning our way, if I may use that term. The proportion of fifteen-to-twenty-four-year-olds as a percent of the total population has been declining since the mid-1980s and we forecast that it will continue to do so well into the next century. The size of the cohort most at risk grows smaller, after nearly overwhelming social institutions in the 1950s and 1960s.

This is surely the case in the world of the social sciences, which is in the main politically liberal, and went through an awful period of silence and denial—or rather, denial and denunciation. A striking feature of the 1960s was that just as a large consensus in favor of social-science-oriented social action took shape, a considerable body of social science appeared which, in effect, said don't expect too much. Think, for example, of the writing in the early editions of *The Public Interest*. Almost without exception, the authors were political liberals who had stumbled upon things that weren't entirely pleasing to them, but which, as the song goes, could not be denied. I have referred to this as the Reformation. Not a few of the heretics were burned at the stake, and more than a few left the true church for good and all. But their witness prevailed. I take it as no coincidence that in 1992 James Q. Wilson is president of the American Political Science Association and James S. Coleman president of the American Sociological Association. Their influence has in the end proved immensely important; and so might their example. For while each has ever sought to make social science available to social policy, each has kept his distance from government. Not from fastidiousness, but from understanding. They have known how little is known, and how readily that which can be said to be known is misunderstood or misused.

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Why is black educational achievement rising?

DAVID J. ARMOR

IN LIGHT of the vigorous criticisms of American public education heard in recent years, one might reasonably conclude that our public schools are in a state of collapse. The need for reform is thought to be especially urgent in large, urban school districts. There, according to critics like Jonathan Kozol, disadvantaged students languish in deteriorating, segregated facilities with low standards, inferior and underfunded programs, and unmotivated teachers.

Such conditions might be expected to have caused the greatest educational damage to minority students, since they are the predominant group in most urban school systems. Yet according to the latest reports of the National Assessment of Educational Progress (NAEP), conducted for the U.S. Department of Education's National Center for Education Statistics, minority students have shown substantial gains in academic achievement over the past twenty years in both reading and mathematics. The gains are greatest for black students and are especially striking when black

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achievement is compared to white achievement. Over this same interval white achievement has remained relatively constant, and therefore the black-white achievement gap has been cut in half.

Black achievement trends thus seem to contradict the prevailing perception that urban public schools are failing. What has caused these trends? Are they simply statistical artifacts? If they are real, are they due to improvements in schools or to changes in students and their families? We know, for example, that school systems with high proportions of disadvantaged and minority students have been targets for both desegregation and compensatory-education initiatives. We also know that academic achievement levels are strongly influenced by a student's socioeconomic background, and that minority families have gained ground in this respect over the past twenty years. Can black achievement gains be traced to specific school programs or to improvements in the socioeconomic status of black families?

Many social scientists and education experts who have written on this topic prefer school-based explanations for black achievement gains. At least two major school theories are in vogue. One claims that black achievement gains are due to school desegregation, most of which occurred during the 1970s. Another holds that minority achievement gains are caused by expanded compensatory programs for disadvantaged students, such as Head Start and Chapter 1, whose funding has increased greatly during the last twenty years. Education researchers have offered a variety of other school-based explanations, including better teachers, improved curriculum and academic standards, and smaller classes.

In contrast to school theories, less attention has been paid to the role of socioeconomic factors in black achievement gains. It is well documented that socioeconomic factors are among the major explanations of black-white achievement differences and that the socioeconomic conditions of minority populations have improved over the past twenty years. But a clear link between black achievement gains and socioeconomic improvement remains to be established.

This essay explores the causes of black achievement gains. New evidence available from the NAEP offers valuable insights into which explanations for these achievement trends are most credible. Although the NAEP findings are not definitive by themselves, when considered in conjunction with other studies of black and white achievement the evidence suggests that the socioeconomic

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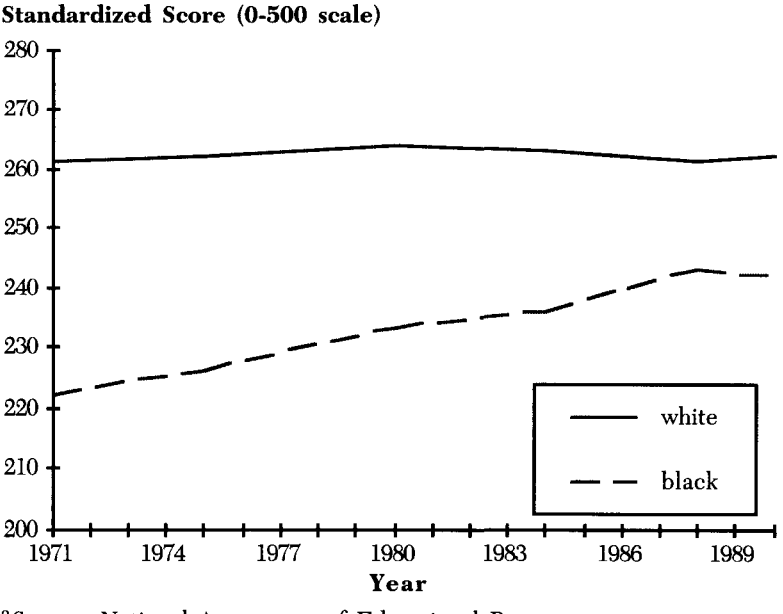
advancement of black families is more important than school programs—school desegregation in particular—in explaining rising black achievement.

Black and white achievement trends

Before discussing the causes of black achievement gains, the size of the gains must be emphasized. Figure I shows black and white reading achievement between 1971 and 1990 for thirteen-year-olds (most of whom are eighth graders). In 1971, when most blacks in this age group had been educated in segregated schools, black thirteen-year-olds trailed whites by 39 points. Over the next two decades white scores remained virtually constant, starting at 261 and ending the period at 262. In contrast, black scores rose steadily for most of the period, starting at 222 and ending at 242 (following a drop of one point in the latest assessment). By 1990 there was still a reading achievement gap between blacks and whites, but it had been reduced by almost half, from 39 to 20 points.

Figure I. National Reading Achievement Trends for Whites and Blacks, Age Thirteen[a]



[a]*Source*: National Assessment of Educational Progress.

Figure II shows a similar pattern for mathematics achievement. In 1973 black thirteen-year-olds were 46 points behind whites in

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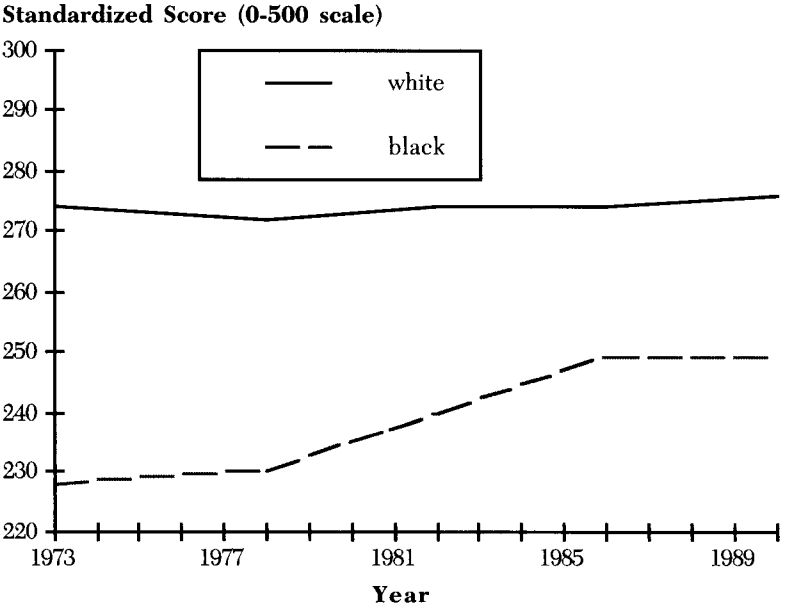
math achievement. Again, white scores remained relatively constant over the next seventeen years, increasing slightly from 274 to 276. But black math scores rose by 21 points, from 228 to 249. At the end of the interval, black thirteen-year-olds were only 27 points behind whites in math achievement, reducing the black-white mathematics gap by nearly one-half.

Figure II. National Math Achievement Trends for Whites and Blacks, Age Thirteen[a]



[a]*Source*: National Assessment of Educational Progress.

These patterns of black gains are replicated for seventeen-year-olds, with similar reductions in the black-white achievement gaps. The black-white achievement gap in reading fell from 52 to 30 points between 1971 and 1990; the gap was actually down to 21 points in 1988, but black achievement fell 7 points in 1990. In mathematics the gap has fallen from 40 to 21 points, with most of the reduction taking place between 1986 and 1990.

The achievement gap has also been reduced for black nine-year-olds, but the magnitude of the reduction is much smaller. The gap in reading has been reduced by only 9 points, largely because black reading achievement fell 7 points between 1988 and 1990. The gap in mathematics was reduced by only 8 points, mainly because white math achievement increased by 8 points between

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1986 and 1990. This is one of the few sizeable increases in white achievement documented by the NAEP.

Likewise, the achievement gap between white and Hispanic students has fallen in the past twenty years. With just two exceptions, however, the reductions are much smaller in magnitude. The white-Hispanic reading gap has declined less than 10 points for nine- and thirteen-year-olds (but has been reduced by 19 points for seventeen-year-olds), and the math gap has declined less than 10 points for nine- and seventeen-year-olds (but has gone down by 14 points for thirteen-year-olds). One reason that Hispanics have posted smaller gains than blacks may be the constantly changing composition of the Hispanic student population—the arrival of new immigrants with lower academic skills may pull down overall Hispanic scores.

Since black achievement gains have been the largest and most consistent, the explanation for this phenomenon demands our greatest attention.

Misleading statistics?

An explanation of black achievement trends must start with the vexing problem of whether these trends reflect true changes in the academic achievement of individual black students. The NAEP does not assess all students and it does not track the same individuals over time. Rather, it is a series of "snapshots" of different groups of students at different points in time, based on a scientific sampling of schools and students. This raises the possibility that the "gains" simply reflect differing achievement levels of varying groups of students, whose differences are explained by factors other than individual change over time.

We can rule out a number of technical problems such as population coverage, sample sizes, or self-selection bias. The NAEP student population includes both private and parochial schools in addition to public schools, which eliminates the potential bias of studies based only on public school systems. Although sample sizes vary and have become smaller in more recent assessments (particularly for minority students), the NAEP has applied appropriate statistical tests to assure that black achievement trends are not artifacts of sampling error. Finally, unlike the voluntary Scholastic Aptitude Test (SAT), the NAEP is based on a scientific sampling procedure that aims to represent the total student population.

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Much of the concern over the quality of American education has been based on declines in SAT scores, which on the surface might appear to conflict with NAEP results. But SAT scores are based on an older and self-selected population, generally the college-bound, and therefore do not portray the achievement patterns of the total student population. It is quite possible for the achievement of college-bound students to decline while the achievement patterns of the total student population remain constant, as Charles Murray and R.J. Herrnstein pointed out recently in these pages.[1]

A more troublesome issue is whether the sampling procedure actually achieves its goal. One possibility is that samples of minority students are biased in some way and therefore reflect different populations at different times. For example, more recent samples of black students might represent more advantaged or middle-class schools or families, with correspondingly higher test scores. In particular, school participation rates were lower in 1990 than in earlier years, and indeed the 1990 assessment reveals a number of rather sharp deviations in test scores from the 1986 and 1988 assessments. But participation rates were very high in prior assessments, and black achievement gains are consistent up to 1986 or 1988. Given the sophisticated sampling procedures used in the NAEP, it is unlikely that these twenty-year black achievement trends are artifacts of biased samples.

Another and somewhat controversial explanation of national achievement trends is a theory of achievement based on family size and birth order. According to this theory, later-born children in a family have lower intelligence than first-borns, and therefore—everything else being equal—children from larger families have lower aptitude-test scores on the average than do children from smaller families. During a baby-boom cycle families become larger and academic achievement falls, and during a baby-bust cycle families become smaller and achievement rises. This theory has been invoked with some success to explain the declines and increases in national test scores such as the SAT or NAEP. However, it is not a likely explanation for the reduction in the black-white achievement gap, because the baby-boom and baby-bust cycles for blacks and whites have been quite similar during the relevant time periods. Between 1960 and 1980, for example, both black and white fertility rates declined by about 50 percent.

[1] "What's Really Behind the SAT-Score Decline?" No. 106, Winter 1992.

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School desegregation

A number of studies and several noted educators have suggested that black achievement gains observed in the NAEP might be attributed in part to school desegregation. Such speculation has been offered by the president of the Educational Testing Service, the research organization that currently administers the NAEP; the first director of the NAEP project; and a comprehensive study on race sponsored by the National Academy of Sciences.[2] I use the term "speculation" because none based their claims on NAEP data tabulated separately for segregated and desegregated black students.

School desegregation is an understandably attractive explanation for black achievement gains. School segregation was extensive until 1970, when many federal courts and the federal government began ordering comprehensive desegregation plans to attain racial balance. According to federal statistics, in 1968 about 77 percent of black students attended schools that were over half minority; by 1988 the black enrollment in predominantly minority schools had declined to 63 percent.[3] Further, in 1968 a majority of black students—about 64 percent—attended schools that were over 90 percent minority; in 1988 that figure had shrunk to 32 percent. In other words, the gains in black achievement coincided with the beginning of comprehensive school desegregation.

This explanation corresponds to the classic "harm and benefit" thesis popular among social scientists for the past forty years, which holds that school segregation harms the self-esteem and academic achievement of black students while desegregation improves these and other outcomes. The most recent version of the harm-and-benefit thesis is found in a statement to the Supreme Court signed by a group of fifty-two social scientists, including such prominent desegregation experts as Robert Crain, Gary Orfield, and Thomas Pettigrew. The statement was part of a brief submitted by the NAACP in the recently decided *DeKalb County* case. Unlike a similar statement signed by thirty-two social scientists in *Brown* v. *Board of Education*, the Supreme Court majority in *DeKalb* gave little judicial note to this statement or the research on

[2]Greg Anrig, "Test Scores on the Rise for Blacks," *Newark Star-Ledger* (May 27, 1984); Nancy W. Burton and Lyle V. Jones, "Recent Trends in Achievement Levels of Black and White Youth," *Educational Researcher* (April 1982); G.D. Jaynes and R.M. Williams, eds., *A Common Destiny: Blacks and American Society* (National Academy Press, 1989).

[3]Gary Orfield and Franklin Monfort, *Status of School Desegregation: The Next Generation* (National School Boards Association, 1992).

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which it was based. Nevertheless, many social scientists and educators continue to support and promote school desegregation because of a belief in the harm-and-benefit thesis.

The studies by Columbia University's Crain and his associates are especially important in this regard. Crain is one of the few social scientists who argues that school desegregation alone causes significant academic gains for black students, based on his own reviews of the research literature and, most recently, a long-term study of black participants in a Hartford, Connecticut, voluntary busing program.[4]

Other examinations of the evidence, however, fail to support the desegregation theory. First, most of the increase in school desegregation occurred from 1968 to 1972. Much less desegregation occurred after 1972, when school busing policies became increasingly controversial and the Supreme Court limited the legal requirements for desegregation between central cities and their growing suburban school populations. After 1980 few comprehensive desegregation plans were implemented, and some mandatory busing plans, such as those in Los Angeles, Norfolk, Austin, and Oklahoma City, were abandoned after changes in legal requirements. For these reasons, the majority of black students remained in segregated schools (defined as schools with less than one-half white enrollment) as recently as 1988. Thus the trend in school desegregation does not match the black achievement trend, which showed gains during in the 1980s as large as those of the 1970s.

Second, numerous studies fail to find a strong association between desegregation and black achievement. One of the more rigorous reviews was sponsored by the National Institute of Education in 1982. This study found only a small effect of desegregation on black reading gains—far less than the gains documented by the NAEP—and no effect at all on black math gains, which the NAEP shows to be just as large as reading gains.[5] Even if desegregation produced the strongest effects cited in the social scientists' 1992 statement to the Supreme Court, it would account for only a small fraction of the black gains shown in the NAEP.[6]

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[4]Robert Crain and Rita Mahard, "Desegregation and Black Achievement, A Review of the Research," *Law and Contemporary Problems* (Vol. 43, No. 3, Summer 1978).

[5]Thomas Cook, "What Have Children Learned from School Integration?" *School Desegregation and Black Achievement* (National Institute of Education, 1984).

[6]The most optimistic conclusion about desegregation is that it could close the black-white gap by about one-third, but since only about a third of black students are in

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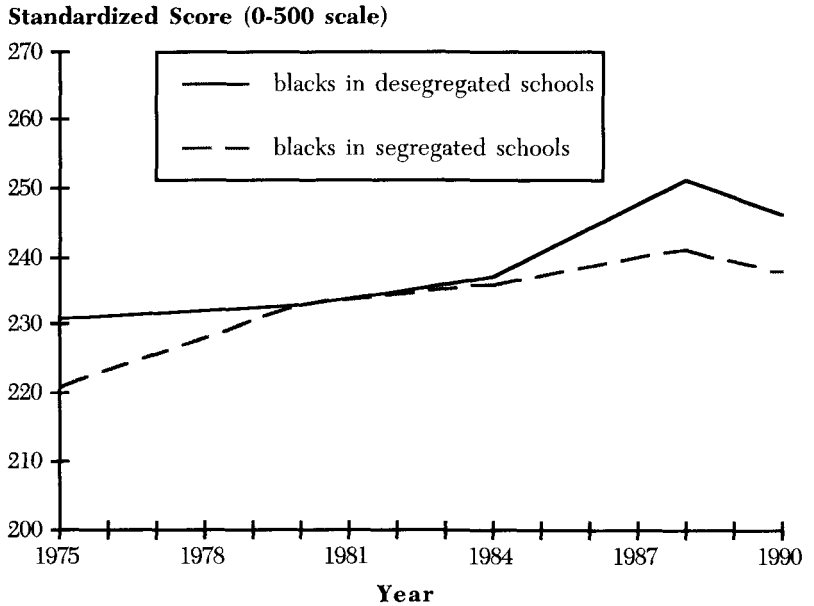
The most compelling evidence about the relationship between desegregation and black achievement comes from the NAEP itself. Since the NAEP establishes the trends for blacks in the first place, it makes sense to test the desegregation theory by comparing achievement trends for blacks in segregated versus desegregated schools. If the desegregation theory is correct, and given that most desegregation took place between 1968 and 1972, we would expect larger gains for blacks in desegregated schools than for those in segregated schools. Achievement trends broken down by type of school attended have recently become available from the NAEP, where desegregated schools are defined as those whose student bodies are over 50-percent white and segregated schools as those whose student bodies are under 50-percent white.

Figure III. Black Reading Achievement by Desegregation Status, Age Thirteen[a]



[a]*Source*: National Assessment of Educational Progress.

Figures III and IV show NAEP reading and math achievement trends for black thirteen-year-olds according to the racial composition of their schools. The desegregation theory is clearly not supported by the evidence. While blacks in majority-white

desegregated schools, it would account for only about one-ninth of the 1971 gap observed in the National Assessment.

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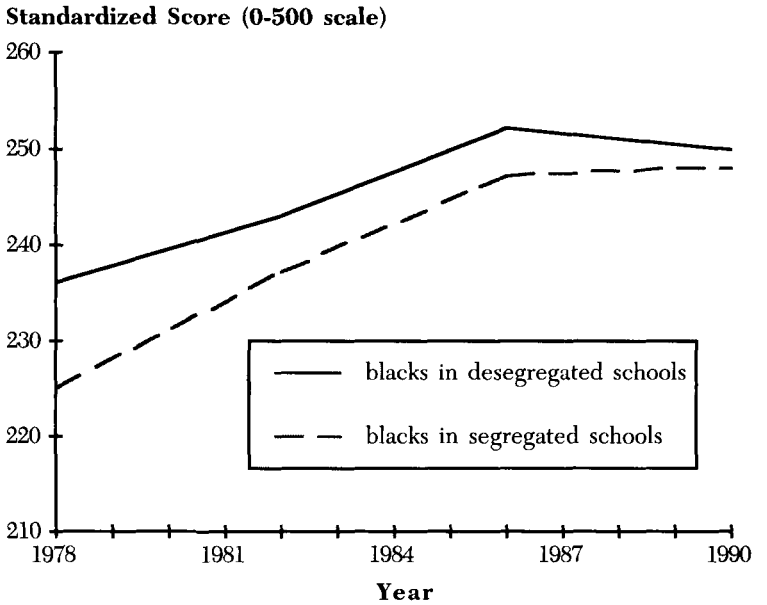
(desegregated) schools generally score somewhat higher than blacks in predominantly minority (segregated) schools, the trend in reading between 1975 and 1988—when the largest black gains occurred—shows that black thirteen-year-olds in segregated schools have made slightly higher gains than blacks in desegregated schools. In the case of math trends between 1978 and 1990, blacks in segregated schools actually gained 10 points *more* than blacks in desegregated schools. By 1990 there is only a 2-point difference between the scores of segregated and desegregated black students.

Figure IV. Black Math Achievement by Desegregation Status, Age Thirteen[a]



[a]*Source*: National Assessment of Educational Progress.

This pattern—in which segregated black students register gains equal to or greater than those of blacks in desegregated schools—is replicated for other age groups as well. Over these assessment periods, black nine-year-olds in segregated schools gained 12 points in reading and 17 points in math, compared to 11 points and 16 points respectively for blacks in desegregated schools. Among black seventeen-year-olds, those in segregated schools gained 34 points in reading and 22 points in math compared to 21 and 17 points respectively for those in desegregated schools. By 1990 black nine-year-olds in segregated schools were only a few points below their desegregated counterparts in reading and math achievement,

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and there was virtually no difference for black seventeen-year-olds.

Since the NAEP finds that gains for segregated black students are as large or larger than for desegregated blacks, and since the majority of black students remain segregated, it is highly unlikely that school desegregation has contributed to national black achievement gains. Of course, this finding does not mean that school desegregation cannot benefit some black students under some conditions, but it does mean that we cannot look to desegregation as a major cause of the black achievement gains documented by the NAEP.

It must also be noted that the NAEP does not offer evidence on other possible benefits of desegregation, such as personal self-esteem, improved race relations, and long-term educational and economic benefits. Whether or not such benefits accrue to desegregation is still being debated in the research and policy literature.

Compensatory education

The second major theory for explaining black achievement gains is the growth in compensatory-education programs between 1970 and 1990. Like the desegregation theory, the compensation theory is also attractive for explaining differential patterns of achievement—gains for blacks and no change for whites—since compensatory-education services are targeted at disadvantaged groups who are disproportionately minority.

The largest compensatory-education programs are Head Start and Chapter 1 (formerly Title 1), both of which began in 1965 as part of the War on Poverty. Head Start was a six-to-eight-week summer program when it began, serving about 560,000 preschool children. By 1972 it had expanded to a full-academic-year program serving about 380,000 preschoolers, and by 1990 it was serving over 540,000 preschoolers with a total funding level of $1.55 billion.

Chapter 1 is currently the largest compensatory-education program, offering the most services and having the largest enrollment and expenditures of any federal education program. It offers extra or remedial reading and math instruction for low-achieving students in schools with high proportions of students below the poverty level. In 1990 Chapter 1 served over five million children, with total expenditures of nearly $6 billion.

In addition to these federal efforts, many states and local school districts have compensatory initiatives for disadvantaged minority

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students, some of which were adopted as part of desegregation programs in lieu of improving racial balance (as in Los Angeles and Detroit). For example, it is not uncommon for school boards to reduce class sizes or to install magnet programs in predominantly minority schools. The net effect of such programs is to increase resources and per capita expenditures for schools that have high proportions of disadvantaged minority students.

Although we cannot directly test the effects of compensatory-education programs with NAEP data, we can turn to several national evaluations of Head Start and Chapter 1 programs that indicate their likely effects. One of the largest and most comprehensive evaluations of Head Start was a "meta-analysis" sponsored by the Department of Health and Human Services, a formal quantitative review of a large number of separate evaluations of Head Start programs.[7] This study found that Head Start did have a positive short-term effect on minority student academic achievement, but the effect was not lasting. After several years in school, there was no difference between the academic achievement of Head Start and comparable non-Head Start children.

There have also been some comprehensive studies of the effects of Chapter 1 compensatory programs on academic achievement. One of the largest and most recent studies was sponsored by the Department of Education, which reviewed a large number of separate evaluations of Chapter 1 programs.[8] This review concludes that Chapter 1 programs have positive effects on academic achievement, but the effects are not large enough to account for the reduction in the black-white achievement gap observed in the NAEP data. A study by the Congressional Budget Office estimated that Chapter 1 programs might account for about 10 percent of the reduction in the black-white achievement gap.[9] One reason for the small effect is that Chapter 1 programs include a significant number of white students; in 1990 about 43 percent of Chapter 1 students were white, with the remaining students about equally divided between blacks and Hispanics.

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[7]Department of Health and Human Services, *The Impact of Head Start on Children, Families, and Communities* (OHDS-90-31193, June 1985).

[8]Department of Education, *The Effectiveness of Chapter 1 Services* (1986).

[9]Daniel Koretz, *Educational Achievement: Explanations and Implications of Recent Trends* (Congressional Budget Office, 1987). The reduction in the black-white reading and math achievement gaps shown by the National Assessment is approximately one-half (.5) of a standard deviation (a measure of variation of test scores). The Koretz report estimated that Chapter 1 programs account for a black-white achievement gap reduction of about .05 of a standard deviation.

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Although compensatory programs may explain some portion of black achievement gains, it is unlikely they account for most of the improvement. Nor is it likely that any other school programs or reforms, such as smaller classes or improved resources, explain the closing black-white gap. Unlike desegregation and compensatory education, most general school reforms benefit both black and white students in proportion to their numbers. Most non-targeted school improvements, therefore, should not cause differential gains for one racial group as compared to another.[10]

Socioeconomic status

If school programs and desegregation do not explain most of the black achievement gains, what other changes might be responsible? In most national studies of academic achievement, beginning with the well-known Coleman Report of 1967, socioeconomic factors have been the strongest correlates of both black and white achievement levels, with such factors as parental education, income, and job status being the most prominent. Is it possible that black achievement gains are due to the improved educational and economic condition of the black family?

Data from the NAEP suggest that they are. New tabulations allow a comparison of trends in parental education for blacks and whites between 1971 and 1990. Figure V (see following page) compares the percentage of black and white thirteen-year-olds who report one or more parents with some education beyond the high school level (i.e., college). In 1971, when the achievement gap was large, only 21 percent of black thirteen-year-olds had parents with post-high school education, compared to 41 percent of white students. By 1990, when the achievement gap had been reduced by half, the parents' education gap had been reduced by more than half (from 20 points to 4 points). During this time the rate of post-high school education for black parents rose to 49 percent, while it rose only modestly, to 53 percent, for white parents. Thus, the education gap between parents of black and white thirteen-year-olds narrowed considerably between 1970 and 1990.

When we examine achievement trends according to the level of parental education (rather than the kind of school attended), a

[10]Barbara Lerner suggested in the March 1991 issue of *Commentary* that black achievement gains might be due to the minimum-competence standards adopted by many states in recent years, which could differentially affect blacks given their lower achievement levels.

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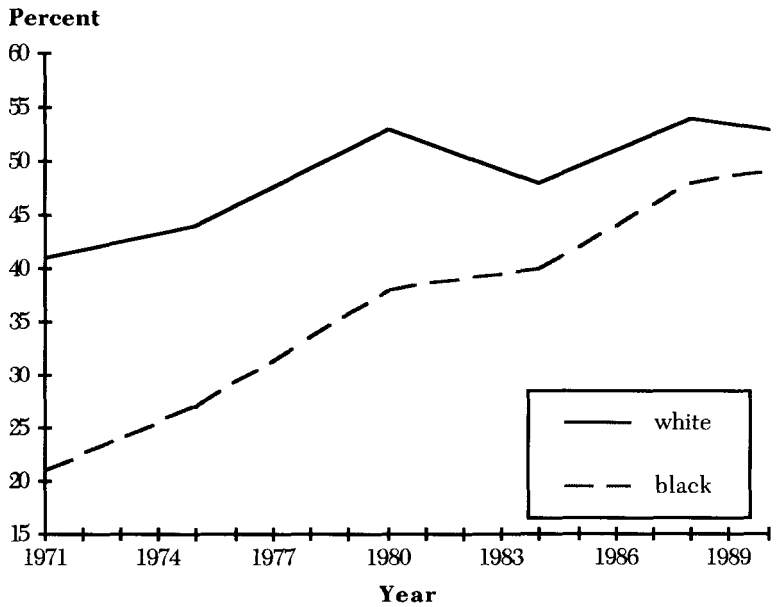
large proportion of the black improvement can be explained. In reading, for example, the aggregate shift in black parents' educational level between 1971 and 1990 accounts for about 8 points, or 42 percent, of the 19-point gain. That there is some achievement gain beyond the amount explained by improved parental education suggests that a role is played by other unmeasured socioeconomic factors as well as school-program factors such as compensatory education.

Figure V. Percent of Thirteen-Year-Old Students Reporting Post-High School Education for Either Parent[a]



[a]*Source*: National Assessment of Educational Progress.

The student-report measures of parent education in the NAEP may be subject to some bias, either by a desire to enhance the status of one's parents or by lack of knowledge. Nonetheless, we know from census data that the educational and economic status of black adults improved substantially between 1970 and 1990. For example, among black adults age thirty to forty-four—the approximate age range for parents with thirteen-year-old children—the proportion with post-high school education rose from 12 percent in 1970 to 38 percent in 1989. This is not a strictly comparable population, since we cannot separate out the subgroup consisting of parents, but the size of the educational gain is similar to the NAEP gain: 26 percentage points compared to 28 percentage points.

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The increased education of black parents is not necessarily the direct cause of achievement gains. Rather, educational status probably indicates a host of specific family behaviors and attitudes—such as motivation, educational aspirations, child-rearing practices, help with homework—which become the mechanisms by which parents' educational status is translated into actual academic improvement for their children.

This leads to an obvious question about why the smaller rise in white parents' education does not translate into at least a small rise in white achievement. With the data at hand we can only offer some speculations. It may be that white parents have reached some sort of a ceiling in the fraction of the population who will have post-high school education, and that differences in the 40-to-50-percent range, near the ceiling, do not translate into specific advantages for their children's academic achievement. It may also be, as Murray and Herrnstein have argued on the basis of SAT-score trends, that the college-bound student population—undoubtedly representing more highly educated families—is declining in achievement, thereby offsetting improved achievement by those whites who have gained in socioeconomic status.

Implications for education policy

That black achievement is rising is good news, regardless of its cause. This does not mean we should be complacent about the sizeable black-white achievement gap that remains. But, given the importance of academic success in this society, the much-reduced size of the achievement gap portends continued progress of blacks toward the goal of educational, occupational, and economic parity with whites.

Rising black achievement also offers a positive counterpoint to the often negative news about conditions in the black community, underscored recently by the Los Angeles riots: unemployment, drugs and crime, family breakdown, and so forth. Although these conditions are realities for many blacks who live in cities, the NAEP tells us that blacks as a whole are making significant strides in education in spite of continuing hardships for some.

Regarding the causes of this educational improvement, the studies and data presented here offer only a rather blunt instrument. But while they cannot provide a definitive answer, they do point to likely candidates. First, the increase is probably not an artifact of NAEP methodology, although technical problems in the sampling

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procedures cannot be ruled out completely. Second, school desegregation appears to contribute little or nothing to black achievement gains (rendering harmless the Supreme Court's recent decisions to allow neighborhood schools even should that practice increase segregation because of housing and demographic patterns).

Third, it appears that some black gains may be due to compensatory-education programs, although these account for much less than half of the improvement. Unfortunately, most studies do not evaluate the long-term and cumulative effects of all compensatory programs combined, so we only have estimates of the effects of one program at a time.

Finally, the strongest correlate of black achievement gains in the NAEP appears to be improvements in the socioeconomic status of black families, the size of which is comparable to the gains in achievement. This explanation is consistent with the large body of educational research that identifies socioeconomic status as the strongest influence on both black and white achievement.

That white achievement has not increased over the same time period is not such good news, particularly given assessments that document substantial achievement differences between the United States and other countries. On the other hand, the data do not support the theory of academic decline that has been prominent among education critics over the past twenty years or so. The lack of a large school role in black achievement gains suggests that we should examine the white family, and especially the middle-class white family, before we blame the lack of white gains on deteriorating public school systems.

These achievement trends should temper the calls for school reform, at least until we better understand the factors that account for rising black achievement and stagnant white achievement. Reformers call for decentralized school management, higher standards, longer school years, better teachers, increased funding, or greater school choice. There may be other good reasons to support these reforms, but there is no evidence that they caused black gains in the past or that they will promote white gains in the future. So far the reformers have not told us why a group with a history of poor school performance has improved its achievement levels within existing public schools. The NAEP data suggest that we pay more attention to what is going on within families, and particularly to those behaviors and attitudes associated with socioeconomic advancement.

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For the sake of the children

RICHARD T. GILL

A GENERATION or so ago, parents often said, and told themselves, that they were "staying together for the sake of the children." Where children, and especially small children, were involved, divorce was thought to be clearly harmful. Married couples assumed they had a special obligation to remain together once they had become parents, an obligation that lasted at least until the children were old enough to be on their own. Only extreme conditions could warrant a divorce while the children were still young, at home, and vulnerable.

Since that time, two important developments have taken place. The first is an accumulation of data showing that intact biological-parent families offer children very large advantages compared to any other family or non-family structure one can imagine. Not only are these advantages indisputable in economic terms, they are equally hard to contest where children's emotional development, behavior, health, and school performance are concerned. If one had to select the single most important factor responsible for the disturbing condition of many of today's younger generation—a condition that almost everyone now views with alarm—the break-

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down of the intact biological-parent family would almost certainly be at or near the top of the list.

The second development—seemingly in conflict with the first—is the increasing acceptance of the view that, when marriages are not going well, it is better for parents to split up than to stay together for the sake of the children. Widely quoted studies by Arland Thornton of the University of Michigan indicate that between 1962 and 1982 the proportion of young people who felt that couples experiencing conflict should not stay together for the sake of the children increased from 51 percent to 81 percent. A 1989 Gallup/*Newsweek* poll found that 70 percent of respondents believed that when husbands and wives were not getting along, it was better for them to separate than to raise their children in a hostile atmosphere.

Not only have beliefs changed, but so has parental behavior. A few decades ago, children were clearly a deterrent to divorce and couples with children were less likely to divorce than childless couples. This is no longer true. A 1989 study by Kathryn A. London of the National Center for Health Statistics found that whereas the average number of children per divorce in 1956 (0.95) was less than that of the average number of children per married-couple household (1.30), by 1984 the numbers were identical (0.92). A major factor, according to London, was that "parents who were unhappy with their marriages became less likely to stay together for the sake of the children."

Are these developments contradictory? Not necessarily. For what today's parents often say, and tell themselves, is that bad marriages may be just as harmful to children as divorces, and perhaps even more harmful. As tragic as the effects of divorce on children seem to be, it could well be worse if warring parents stayed together.

This context gives special importance to a study examining the effects of divorce on children, published in June 1991 in *Science*.[†] Widely reported in major newspapers across the nation and authored by a group of distinguished scholars, this study argued that a great part of the harm experienced by the children of divorce is

[†]A.J. Cherlin, F.F. Furstenberg, P.L. Chase-Lansdale, K.E. Kiernan, P.K. Robbins, D.R. Morrison, and J.O. Teitler, "Longitudinal Studies of Effects of Divorce on Children in Great Britain and the United States," *Science*, Vol. 252 (June 7, 1991), pp. 1386-1389.

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in fact due to conditions that existed well before the separation occurred, especially "family dysfunction and marital conflict." If accurate, this study should be reassuring to many divorced parents of young children by supporting their view that, in dissolving their marriages, they have not harmed, and may even have improved, the health, happiness, and life prospects of their children. But is such reassurance justified?

Intact families

One must begin by noting the mass of simple, direct evidence strongly suggesting that children who are brought up by their biological parents in intact families are far better off economically, emotionally, and developmentally than are children in any other family structure.

The economic evidence is quite clear. A 1991 study of the effects of family disruption by Suzanne Bianchi of the Census Bureau and Edith McArthur of the National Center for Education Statistics finds that in the common case where the children remain with the mother, family income declines by about 37 percent and per capita income by about 21 percent. In the subgroup of cases where the mother does not remarry or reconcile with the father, the income loss is greater; family income more than a year after the departure of the father is 41 percent less than it was prior to the separation, and per capita income is 26 percent below its prior level. In this subgroup, the percentage of children in poverty doubles after the separation (from 19 to 38 percent) and remains at around 35 percent sixteen months later.

Perhaps even more significant is the evidence of behavioral problems among children from broken homes. The authors of the *Science* article suggest that most previous studies of such problems have been based on "intensive, observational studies of a relatively small number of families," and that these studies, while useful, do not have the scope of large, randomized population samples. However, there are large-scale statistical studies that strongly support the view that children in disrupted families suffer serious consequences compared to those in intact biological-parent families. Two recent studies were based on the 1988 National Health Interview Survey of Child Health covering 17,100 American children. One study by Nicholas Zill and Charlotte A. Schoenborn considers the developmental, learning, and emotional problems of

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children age seventeen and under (principally examining such problems as "aggressive or antisocial conduct, attention-deficit hyperactivity disorder, phobias and anxiety disorders, [and] childhood depression"). Although divorce is not specifically singled out for analysis, the survey does compare the health and behavior of children in different family structures, including those raised by their biological mother and father, those raised by their biological mother and stepfather, and those raised by their biological mother only.

This study's most striking finding is the very large advantage that children from biological mother-father families appear to have over those in all other family structures. For example, the percentage of children between the ages of three and seventeen who have "ever had an emotional or behavioral problem that lasted three months or that required psychological help" is, in the case of biological mother-father families, 8.3 percent. For biological mother-only families, it is more than double, or 19.1 percent. More strikingly still, in the case of biological mother-stepfather families it is almost three times as high, or 23.6 percent.

Zill and Schoenborn suggest that the mother-only family figure, though quite high, is an underestimate that reflects what they believe to be an understatement of children's problems by black and Hispanic respondents. The extremely high figure for biological mother-stepfather families is particularly interesting in that income levels in these families more closely approximate those in biological mother-father families than do those of mother-only families. Thus, the economic hardships of divorce cannot explain the very high level of emotional and behavioral problems these children encounter.

In general, Zill and Schoenborn found that family structure was by far the most important variable affecting children. Including developmental, learning, and emotional problems, the percentages of children who had experienced difficulties were:

Family Structure	Percent experiencing difficulties
Biological mother and father	14.6
Biological mother and stepfather	29.6
Biological mother only	24.8
All other	28.2

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Overall, the authors term the prevalence of emotional and behavioral problems among today's children "alarmingly high" and further state their belief that the survey figures may be "underestimates of the true prevalence of the conditions."

A second study based on the same survey is that of Deborah Dawson, then with the Division of Health Interview Statistics. Among other things, the Dawson study explicitly separates "formerly married mother-no father" families from the general category of "biological mother only" families—i.e., divorced single mothers as opposed to never-married single mothers. Again, the advantages of biological mother-father families are striking. For example, the percent of children between the ages of three and seventeen who were treated for emotional or behavioral problems over a twelve-month period was 2.7 percent in families with both biological parents, 6.6 percent for mother and stepfather families, and 8.8 percent for formerly married mother-no father families. Twenty-two percent of the children in these disrupted families had to repeat a grade in school as compared to 12 percent in intact biological-parent families. Over twice as high a percentage of these children had been expelled or suspended from school as those in non-disrupted family units. Children in the disrupted families also suffered more from accidents, injuries, or poisoning than those in the intact family units. With some modifications, these results stand up when corrected for a number of relevant socioeconomic and demographic variables.

Combining these large-scale survey results with the more "intensive, observational studies" referred to in the *Science* article, one might conclude that the breakup of intact marriages through divorce and separation is indeed a cataclysmic event for many children. The main burden of proof lies with those who would argue that such breakups are, in general, not much more harmful and sometimes even less harmful than the bad marriages that produced them.

The *Science* study

Compared to the survey just discussed, the *Science* study has one clear-cut advantage—it is a longitudinal study that evaluates the condition of children at two different points in time. In principle, this allows a comparison between children in families that experi-

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enced divorce and children in families that remained intact during the period of the investigation. The broad outlines of what was attempted were as follows:

1. British children are compared between two periods in terms of four assessments: parent-rated behavior problems, teacher-rated behavior problems, reading achievement, and mathematics achievement.

2. These children are divided by sex and, for each sex, into two groups depending upon whether or not their parents had a) stayed together, or b) divorced or separated during the period covered by the study.

3. The behavior problems and test scores at the end of the time period are adjusted successively for social class and race (Model 1), the child's scores on the same measures at the beginning of the time period (Model 2), and characteristics of the child and family situation, including family problems and difficulties at the start of the period (Model 3). The measures added in Models 2 and 3 are taken as "proxies for family dysfunction and marital conflict."

4. The results at the end of the time period are then compared for each model in order to compare children whose parents divorced during the interim with those whose parents stayed together. The major finding for British children is that a great part of the higher level of behavior problems and lowered reading and mathematics scores of children from divorced families can be accounted for by problems existing prior to the divorce. As one moves from Model 1 to Model 3, the effect of divorce becomes less and less pronounced. As the authors put it:

> For boys, the apparent effect of divorce on behavior problems and school achievement falls by about half to levels that are not significantly different from zero, once preexisting behavior problems, achievement test scores, and family difficulties evident before the separation are taken into account. For girls, the same preexisting conditions reduce the effects of divorce to a lesser but still noticeable degree.

5. The U.S. survey is comparable to the British study with respect to only one category, parent-rated behavior problems, and even these were differently indexed in the two studies. Still, the results for U.S. boys are quite similar to those for British boys: "after a second control was introduced for the amount of marital conflict ... the effect of divorce had fallen by approximately half ... and was no longer significantly different from zero."

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6. For U.S. girls, the data appeared to show that these children experienced *fewer* behavioral problems after divorce than did girls from intact families, a result inconsistent with the findings for British girls and for boys in either study. With respect to this anomaly, the authors noted that it was "prudent to be skeptical of this finding until it can be confirmed."

The authors' general conclusion is that "much of the effect of divorce on children can be predicted by conditions that existed well before the separation occurred." Their recommendation for future research is that "at least as much attention needs to be paid to the processes that occur in troubled, intact families as to the trauma that children suffer after their parents separate."

Flawed findings

Without question, the value of longitudinal studies in this area of research is enormous and the authors' recommendations for future work in the field are, as far as they go, fully justified. It is not, however, for such technical reasons that the *Science* study attracted attention in the popular press. Whether intentionally or not, the study sustains the increasingly widespread view that divorce is an acceptable solution to problems that might have even more deleterious effects on children if the marriage continued. It serves, or can be interpreted to serve, the interests of parents who very much want to believe that divorce or separation is not itself the real problem. To that degree, this new analysis makes the disruption of intact families easier to justify emotionally, especially for parents who are conscientiously concerned about the welfare of their children.

There are, however, a number of flaws in these two studies. One should begin with the recognition of a fact that no one, no matter how devoted to the traditional intact family, could possibly deny: namely, that there are cases, and undoubtedly numerous cases, where the breakup of a bad marriage is the best possible thing that could happen to the children involved. There is no need to go through the litany of physical, sexual, or psychological abuses, whether directed toward child or spouse, that not only justify but clearly mandate separation and divorce. "Staying together for the sake of the children" was never intended to mean placing the children or the spouse in jeopardy. Except in some strictly reli-

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gious communities, there has always been a fairly wide tolerance for the breakup of severely damaged and damaging marriages.

What this means is that it would hardly be surprising to find in the case of some divorces that prior conditions in the family were responsible for many of the problems that otherwise might be attributed to the divorce itself. This point has little relevance to the U.S. study, since that study refers to the period from 1976 to 1981 when divorces were extremely widespread in our society. It has, however, very decided relevance to the British study, which covers a different country and a different period, 1965 to 1969. Although some liberalization occurred earlier, the major reform in British divorce laws did not take place until 1969, and during the 1965-1969 period divorce by modern standards was still rare. The annual number of divorces per thousand married women in Britain in the 1960s averaged somewhere around three or four, while in the United States in 1980 the rate averaged around twenty-three per thousand. During the 1965-1969 period in Britain there were only 239 children whose families divorced out of a total of approximately 11,700 children covered in the survey.

Since the British case involved only a small percentage of families divorcing, it seems quite reasonable to assume that there would have been a high proportion of very troubled marriages within this limited group. In a way, the most surprising finding from the British survey is that prior marital and family problems accounted for *only* half the difficulties that British boys displayed after divorce, and even less for British girls. In a society where the general mood still favored keeping marriages together and trying, where possible, to make them work, it does not seem surprising that those marriages that did finally explode would characteristically have been marriages the children and wife (or husband) were better off leaving.

Girls and boys

If, therefore, we are to draw any general conclusions from the *Science* article, we should probably give special weight to the U.S. study, in which the divorce rate was much higher and thus more relevant to current U.S. conditions (and indeed to today's British conditions). Once we do this, however, we have to face directly the anomaly that the authors themselves noted and advised us to be "skeptical" about: the results for U.S. girls.

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Recalling the three different models used in these studies, we now have to address the apparently startling conclusion that U.S. girls from divorced families are reported to have had fewer behavioral problems than girls from intact families in all three models. If one corrects for social class, race, and whether the mother was employed outside the home, then girls from divorced families have only a negligible advantage over girls from intact families. This advantage increases as we move on to Models 2 and 3. Taking the results seriously, one would have to conclude that the benefit of divorce for female U.S. children ranges from a trivial to a fairly considerable amount.

To speak of the benefit or advantage of divorce seems very curious indeed considering the conclusions reached in the U.S. Health Interview Survey discussed above. That evidence strongly suggested that children in disrupted families are at a distinct disadvantage with respect to behavioral problems, and indeed every other kind of problem, compared to children in intact families. Could the behavior of young girls actually be improved by divorce?

One difficulty, of course, is the small size of the U.S. study reported in *Science*. In contrast to the 17,100 children in the U.S. Health Interview Survey, the *Science* study deals with a total of sixty-five divorce-affected children, including both boys and girls, out of a subsample of 822 children. These numbers make statistical significance somewhat more difficult to achieve.

Another line of explanation is that girls may react differently to divorce than boys. Professor Andrew Cherlin, the principal author, believes that a major part of the difficulty may be that most psychological assessments are poorer at judging the well-being of girls than of boys. Girls, he suggests, tend to internalize their problems and may also be less vulnerable to a variety of stressful situations. He notes that there is considerable support for this position in the recent literature.

While possibly true in general, this explanation would not seem to have much application to the case at hand. In the first place, it does not fit with respect to the girls in the British study. In eleven of twelve measures, British girls show greater problems as a result of divorce than do boys. (The one exception is parent-rated behavior problems in Model 1; but notably not in Models 2 and 3, nor in the other behavior and achievement scores.)

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In the second place, the large-scale U.S. Health Interview Survey found no significant differences between girls and boys with respect to behavior or other problems in different family structures. In the Dawson study, for example, if we break down by sex the percentages of children who have had treatment for an emotional or behavioral problem over a twelve-month period, we get:

Family Structure	Boys	Girls
Biological mother—father	3.3	2.0
Formerly married biological mother—no father	9.3	8.2
Biological mother—stepfather	6.0	7.3

If anything, the relative effect of a disrupted, as opposed to an intact, family structure would appear to be somewhat greater for girls than boys, a result generally consistent with the British study but inconsistent with the U.S. *Science* study results.

It seems possible that differences in the measures used might explain some of this inconsistency. In the *Science* study, the results are derived from parent-rated behavior problems on a scale measuring such things as the child's having mood changes, lying, arguing too much, and the like. This is in contrast to the seemingly more objective question in the Dawson report, namely, whether the child had had treatment for an emotional or behavioral disorder within a twelve-month period. Is it possible that, in the divorce-prone and even divorce-approving climate that had developed in the U.S. by the early 1980s, parents might genuinely feel that their divorces had not truly hurt their children and that parent-rated behavior might differ quite substantially from other more objective measures? It is certainly understandable that many divorced parents would hope that little damage had been done to their children by the dissolution of their marriages.

The indirect effects of divorce

The difficulties noted above raise serious doubts as to the generalizability of the *Science* results. Moreover, a major problem in interpreting these results is that the available data did not permit the authors to investigate a key issue in assessing the effect of divorce on children: the interaction between a society's divorce rate and the prevalence of "family dysfunction and marital con-

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flict." For it seems more than probable that a society in which there is an easily accessible and socially acceptable divorce option will also be a society in which family dysfunction and marital conflict will be more common.

Two questions arise: First, what reasons are there for believing that what sociologist David Popenoe calls a "divorce climate" will lead to greater family stress in any given society? Second, what bearing would such an interaction have on the structure of the *Science* study?

To take the first question first, the argument would go as follows: Divorces tend to reflect prior family dysfunction and marital conflict. In general, such family dysfunction and marital conflict reflect broad trends in society of which two of the most important are the increased economic and social independence of women and a greater emphasis on self-fulfillment on the part of both men and women. With specific reference to children, we might rephrase this second point in terms of a changed concept of adult self-fulfillment in which the welfare of children has a lower priority than before. We might well expect that this lowered commitment to children would, other things being equal, create a less favorable environment for raising them, and that children in families with heightened marital conflict and other stresses would show increased emotional and behavioral problems.

We now come to important feedback effects. The greater the likelihood of divorce, the stronger in general will be those factors making for family dysfunction and marital conflict. In a society where divorce is a frequent and commonly expected hazard, people must protect themselves against this possibility. In the case of women, a major argument for seeking economic independence from men is that they may well be on their own one day because of the dissolution of their marriages. One simply cannot take a chance that the good-provider male will be around to continue providing; indeed, if and when he leaves, it is well known that in many cases he will do his best to avoid serious financial commitments to the family left behind.

Emotionally, the increased likelihood of divorce fosters an emphasis on self-fulfillment for all parties involved. Spouses must retain a certain protective reserve they can draw on should their marriage eventually break up—they dare not place all their emotional eggs in one basket.

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This reserve almost certainly affects relations with children as well. For the father, a high-divorce-rate society may well mean that his natural children will one day disappear from his life, at times partially, sometimes almost completely. Even the mother may well realize that her children, far from being a central component of her own self-fulfillment, can easily become a major impediment to her economic independence, an independence made far more critical by the increased likelihood of divorce.

Feedback effects can also be roundabout and quite complex. For example, with poverty facing many divorced-mother families, the government may be called on to pursue so-called "deadbeat Dads," a pursuit that could conceivably render husbands more averse to divorce, while at the same time making wives more willing to divorce, since more financial security after divorce is now assured. If this governmental pursuit of former husbands is combined with an assurance of public assistance in those cases where the ex-husbands cannot be found or are too poor to provide support, the economic risk of divorce is further lessened for the mother. On the other hand, the lessening of this risk might have some positive effects on the quality of the marriage in that the women involved would not then have to take as much prior protective action to insure against the unfavorable economic consequences of divorce.

Despite these many complexities, one would, according to this line of argument, generally expect a higher rate of family dysfunction and marital conflict in a high-divorce-rate society than in one where divorce was uncommon and reserved for rather extreme cases of family breakdown. The high divorce rate, in itself, engenders actions that lead to greater economic independence for women, greater emotional independence of both men and women, and a greater emphasis on self-fulfillment, even when occasionally it might seem—at least to an outside observer—to be at the expense of the welfare of the children involved.

A second question remains: If there is some truth in the argument just presented, what bearing does it have on the structure of the *Science* study? The answer is fairly easy to see. Since the purpose of the article, reflected in its title, is to determine the "effects of divorce on children," this purpose cannot be fully achieved unless account is taken both of the direct effects of divorce on children and the indirect effects on children of that part of family

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dysfunction and marital conflict in the society attributable to its high divorce rate.

According to this argument, divorce involves an important externality. My divorce affects not only my own children but also, by adding to the divorce rate, the dysfunction and conflict in other marriages and hence the welfare of children in other families. Under this assumption, it would be inappropriate to separate—as the *Science* study does—the effect on children of divorce from the effect on children of family problems in their intact families prior to divorce. Or, to put it more accurately, if one performs this separation, one must not conclude that one has measured the effects of divorce on children. For the effects of divorce on children must include both the direct effects of the divorce and the effects of the heightened family stress in the prior intact family due to the general prevalence of divorce in the society.

As suggested above, the *Science* article does not answer or even raise the question of the interaction between a society's divorce rate and the prevalence of stress in intact families throughout that society. Consequently, it cannot comment on the real possibility that the total effect on children of our easily accessible and socially acceptable divorce option may be a combination of troubles both before and after the actual exercise of that option. Thus, quite apart from the specific difficulties noted earlier, the article addresses only a portion of a much larger problem. In so doing, it may well give a misleading impression of the risks we are currently taking with the well-being of our children.

A new research agenda

As we have already noted, the authors of the *Science* study end their article with the suggestion that more attention in future research should be paid to problems occurring in troubled, intact families. This suggestion is clearly to be applauded, and one can only urge that it be carried even further, namely, to investigate the degree to which high-divorce-rate societies do or do not suffer from increased family stress and childhood problems in intact families. Has the number of troubled, intact families in the United States been on the increase during the period when we have seen divorce rates soar? In the old days, when marriage involved more of a commitment both between husband and wife and between parents and children, when people tended to believe that it was their duty

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to try to make the marriage work, when all sorts of curious compromises and special arrangements had to be worked out—in those now ancient times, did marriages in fact involve less family dysfunction and marital conflict than they do today? Were children in those intact and stable families generally better off, worse off, or about the same as children in today's intact but decidedly unstable families?

In a general sense, one can find a fair amount of evidence to suggest that when young people feel little sense of formal or even informal commitment to their unions, these unions tend to work rather poorly. In Sweden, for example, we may assume that formal marriages represent a somewhat greater commitment to a couple's joint future than do "consensual unions"—unmarried couples living together. Consensual unions have become increasingly common in Sweden, rising from 1 percent of couples living together in 1960 to 19 percent in 1985 to around 25 percent at present. One probably can infer that such unions involve far more interpersonal conflict than do formal marriages, given that they break up at three times the rate at which formal marriages break up.

The U.S. National Bureau of Economic Research has also reported that Swedish couples who live together before marriage have a divorce rate almost 80 percent higher than those who do not. One might have thought that this would go the other way, since cohabiting couples who eventually marry would be less vulnerable to unpleasant shocks and surprises. A possible explanation is that such couples may have a less elevated concept of marriage and its special significance than those who decide to wait until marriage before moving in together. Another possibility is that couples who cohabit without marriage may be those who find it more difficult to make commitments of a permanent or quasi-permanent nature. In either case, lacking a strong belief in marriage, these couples may find themselves first reluctant to enter, then equally reluctant to maintain, the marital union.

The same can undoubtedly be said of the tendency of U.S. couples who cohabit to separate more readily after marriage. Also, there is what has been described as the very fragile nature of remarriages in the United States. Again, one might have thought that, having already experienced unhappy marriages, individuals who remarry would be better able to handle marriage a second time around. In fact, disruptions of second marriages are more

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severe than those of first marriages. A quarter of second marriages, as Professors Cherlin and Furstenberg have recently noted, break up within five years. Why? One reason is that people who marry a second time know about and clearly accept the possibility of divorce as the solution to marital problems. Reluctance to accept a deep commitment to marriage would appear to encourage the very kind of conflict that justifies breaking that commitment.

And what of the children in these highly fragile stepfamilies? We have already noted the results from the U.S. Health Interview Survey suggesting that, despite the reasonably high economic status of stepfamilies, children in such families exhibit a high rate of emotional, behavioral, and developmental problems. In a recent national survey that asked children to name the members of their "family," a quarter of children in stepfamilies did not include their stepsiblings even though they were all living together. It does not seem unreasonable to suggest that the very impermanence of these unions, and the possibility of their rapid dissolution, spills over into the quality of these remarriages as experienced by the children involved. Even while still intact, can such remarriages provide children with the sense of security they will need as they ultimately leave home and go out to face life on their own?

These comments prove nothing directly, except perhaps to underline the point that the research agenda suggested by the *Science* study definitely should be carried further and should include specific analysis of the interaction between the divorce option and the prevalence of family dysfunction and marital conflict. That such interaction may well exist, and indeed be a serious matter, is not, after all, a new idea. Two and a half centuries ago, in an essay titled "Of Polygamy and Divorces," David Hume considered various marital regimes and concluded that "liberty of divorce" faced "unanswerable objections." First of all, he wrote, there were the children to think of. But also there was the effect of the possibility of separation upon the quality of the marriage itself:

> How many frivolous quarrels and disgusts are there, which people of common prudence endeavor to forget, when they lie under the necessity of passing their lives together; but which would soon be inflamed into the most deadly hatred, were they pursued to the utmost, under the prospect of an easy separation. The least possibility of a separate interest must be the source of endless quarrels and suspicions. The wife, not secure of her establishment, will still be driving some separate end or

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project; and the husband's selfishness, being accompanied by more power, may be still more dangerous.

Few people today would accept the conclusion Hume reached in this essay, namely, the endorsement of marriage as a "union entire and total." At the same time, we would do well to heed the element of truth in the connection he draws between "easy separation" and marital disharmony. At the very least, we should attempt to weigh this factor in our calculus of the total effects of divorce on our children.

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Private interests and Superfund

MARC K. LANDY & MARY HAGUE

THE COMPREHENSIVE Environmental Response, Compensation, and Liability Act (CERCLA), better known as Superfund, was passed in 1980 in the wake of widely publicized concerns over toxic spills and waste problems at Love Canal, Valley of the Drums, and other sites. Superfund was heralded as a vital environmental program that would protect the public health from the imminent and serious dangers of abandoned waste dumps and would do so at small cost to the taxpayer.

Over one decade later, disillusion has set in. Superfund has produced an enormous legal morass that constitutes a substantial drain on public and private resources; yet it has yielded very little in the way of environmental improvement. While estimates of sites in need of cleanup have risen into the thousands, fewer than seventy have been fully cleaned.

In the early years of Superfund, the slow rate of cleanup could plausibly be attributed to start-up difficulties and to management

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problems—in particular, the EPA's scandalous behavior during Anne Gorsuch Burford's reign in the early Reagan years. It has been clear for some time, however, that these explanations for Superfund's failure are inadequate. The statute is based upon premises that, however well-intentioned at the outset, have proven fatally flawed and positively harmful to the environment, to the economy, and to the public's understanding of the difficult issues at stake.

Yet, despite near-universal disenchantment with Superfund's results, the central elements of the statute continue to enjoy tremendous political support. In fact, they have proven immune to reforms that would promise speedier and less expensive cleanup. Congress substantially revised Superfund in 1986, when it was already painfully obvious that the purposes of the statute had been lost in a maze of litigation. But the 1986 revisions not only failed to remedy Superfund's defects; for reasons discussed below, they exacerbated existing problems in several ways.

This immunity to reform stems from Superfund's flawed premises. Although environmentally, economically, and socially counterproductive, these premises have yielded a policy design that provides substantial benefits both to government and to certain private interests. Initially crafted through bureaucratic initiative, this design has proven so beneficial to private interests that they now comprise a solid phalanx of support for the statute.

"Shovels First" and "Polluters Pay"

Superfund's policy design is based on two central premises. The "Shovels First" principle holds that in light of the dire and imminent risks posed by abandoned waste sites, priority will be accorded to prompt and speedy cleanup. The "Polluters Pay" principle states that the cleanup of Superfund sites will be paid for by the parties who polluted them.

These two premises combined to create what, in 1980, was a genuine policy innovation—a massive public-works program funded primarily by private parties whose contributions would be obtained by resort to tort law. Despite estimates that cleaning up thousands of existing sites would cost perhaps as much as $100 billion, the EPA asked for and received only $1.2 billion in federal funding. Even this part of the program incorporated the Polluters Pay principle, albeit in an attenuated form: the $1.2 billion would

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come not from general revenue but from a tax on chemical feedstocks (the building blocks from which industrial and consumer chemical products are made). The burden would thus be borne by chemical corporations who, even if not liable in a strict sense, were thought to bear a special moral responsibility for the improper treatment, storage, and disposal of their products. The overwhelming portion of the requisite funds, it was assumed, would be paid for by the responsible parties. It was expected that this scheme would provide ample revenues for the task at hand without straining public resources. However, probably to the EPA's surprise, the liability scheme proved so controversial and cumbersome that it not only failed to produce the required revenue but also undermined both the Polluters Pay and the Shovels First principles.

Liability under Superfund is, in legal language, strict, joint and several, and retroactive. This regime incorporates two crucial changes in modern tort law which Manhattan Institute scholar Peter Huber has aptly dubbed "the socialized offense" and the "socialized defense." The socialized offense blurs the distinction, previously well-established in nuisance law, between low- and high-probability risk. This maneuver greatly expands the universe of individuals who can claim to be victims. Individual plaintiffs must no longer prove that they have been harmed by a particular defendant. Instead, a whole range of activities—chemical manufacturing, nuclear-power generation, and hazardous-waste generation, transport, and storage, among many others—are considered inherently hazardous and anyone with an affliction that could conceivably be related to exposure to such activities has grounds to sue.

The socialized defense is primarily a means of providing the funds that are required under the greatly expanded compensation requirements imposed by the socialized offense. Legal responsibility for harm is diffused so as to insure that somewhere along the "family tree" of causation someone can be located who can afford to pay sufficient compensation. Superfund exploits this concept to the fullest. Among those who can be held liable for damage at a site are prior owners, users, bankers, insurers, and waste generators and transporters. Since liability is strict and retroactive, few defenses are available to potentially responsible parties (or PRPs, in EPA jargon). A generator of waste can be held liable even if no direct link is established between the specific waste he contributed to the site and the harm that occurs. It is sufficient to show that

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the waste was at the site and that harm can plausibly be said to have been caused by the site. Nor is it a defense against liability to show that a landfill complied with all legal requirements of the time and that its practices were consistent with the scientific knowledge then extant, if current scientific understanding indicates otherwise. And, since liability is joint and several, any liable party can be held responsible for the entire cleanup settlement, regardless of how small his portion of responsibility may have been. Superfund requires this extraordinarily inclusive notion of responsibility because it extends the notion of who has been harmed beyond a broad class of plaintiffs to include the entire public, as represented by the government.

The liability net

However, the broadening of the socialized defense undercuts the original rationale for relying on liability mechanisms to fund the program—namely, that the polluters should pay. Superfund's liability scheme virtually ensures that the parties' actual contributions will bear little relation to their relative responsibility. Superfund's supporters have not owned up to this contradiction because they believe that broad and comprehensive liability provides the only means of extracting sufficient resources via liability.

Similarly, the socialized defense has led to the tacit abandonment of the Shovels First principle. The potentially enormous costs confronting a firm caught within Superfund's liability net provide a powerful incentive to use every conceivable delaying tactic in the hope of finding some legal tool for wriggling free or to drag potentially responsible parties not identified by the EPA into settlements. As a result, apparently innocuous institutions such as schools, restaurants, and even the Elks Club have been caught in Superfund's liability net. In an effort to clean up a site near Utica, New York, the EPA sued two companies—a cosmetics producer and a manufacturer of metal components—who, in turn, sued over 600 mostly small businesses and forty-one towns and school districts. Among the defendants who settled the case—rather than battle a large corporation over liability percentages—was the owner of a tiny pizzeria. Although the exact nature of the pizzeria's trash was not known, the attorney for the two large companies surmised that it might have included empty cleanser or insecticide cans containing trace amounts of toxins. Because the EPA cannot secure

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sufficient cleanup funds through means other than liability, it must often leave the shovels in the tool shed while pursuing PRPs along the slow and tortuous path of litigation.

Finally, the Shovels First and Polluters Pay premises combine to create perverse incentives that ultimately hamper cleanup efforts. The most difficult conceptual and practical problem of site cleanup is determining "How clean is clean?" The answer to this question, and hence the desirable extent of cleanup at a given site, cannot be determined simply on scientific grounds. In principle, one would want to clean until the site can be called perfectly safe. But environmental health risk is relative; there is no scientifically identifiable point at which an "unsafe" site becomes "safe." No matter how much cleanup has been performed at a site, it can always be argued that more cleanup would reduce risk even further.

If local communities were required to contribute to cleanup spending, residents would have a reason to inquire what palpable good an expensive restoration process would be likely to achieve, and whether most of the benefits could be obtained at substantially lower cost. Their answer to the question "How clean is clean?" would be informed by their understanding of the sacrifices they would have to make to obtain a given degree of cleanliness. However, under Superfund, cleanup spending is a free good for affected communities. Superfund is premised on the notion that abandoned waste sites pose severe health hazards and that cleanup will be paid for by others. As a result, communities that have such sites have no reason to want to control cleanup spending. To the contrary: they have every reason to insist on the most extensive and expensive cleanup.

The pressure on the EPA to implement "Cadillac" solutions actually increases the risk posed by abandoned waste sites to the population as a whole. Rather than being able to spread its limited resources over many sites, thereby eliminating the genuine dangers they might pose, the agency finds itself spending more and more money at a small number of sites so as to reduce what have already become small risks to ever-more infinitesimal levels.

Evolution of an agency

Superfund has proven to be a terrible burden to the EPA. Few sites have actually been cleaned up, and the liability regime has not been able to provide the large sums expected of it. The program

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is widely viewed as a failure, and the EPA is routinely blamed for this.

Most embarrassingly, the initial fears that abandoned waste sites constituted a "ticking time bomb" and a manifest threat to public health have not been borne out. Those studies done at Love Canal that did indicate a serious health risk were later discredited, and the much more scientifically respectable studies conducted subsequently failed to show any significant risk beyond the heightened mental-health problems stemming from the hysteria engendered by the incident. Studies elsewhere have been similarly inconclusive. EPA's own internal assessments of program priorities admit that the toxic-waste-site problem is overrated and that too much of the agency's resources are spent on it.

Yet, despite the EPA's clear awareness of these problems, the agency has been unwilling to launch a major public-relations and lobbying effort aimed at revising the faulty premises that impede reform. The reasons have nothing to do with Superfund's perceived environmental benefits and everything to do with the EPA's institutional interests.

Shovels First and Polluters Pay were conceived of and championed by the EPA. The agency was particularly eager to gain authority over hazardous-waste cleanup because this new responsibility would aid its efforts to reposition itself as a public-health agency. In the late 1970s, the EPA no longer wanted to be viewed as a "bugs and bunnies" outfit that protected swamps and forests. In an era of difficult economic conditions, the agency could no longer count on sustained public support for "frivolous" ecological activities. In order to secure a stable political base, the agency had to be perceived as being at the center of efforts to ward off threats to the public health, the most notable being the threat of cancer.

This shift in strategy bore fruit quickly. It enabled the EPA to acquire new resources at a time of strict austerity. Whereas the overall 1979 federal budget for environmental and natural-resource programs increased by less than 1 percent (from $12.1 to $12.2 billion), the EPA was able to increase its operating budget by 25 percent. One-third of that increase was earmarked for programs devoted to controlling pollutants posing a public-health risk. In order to demonstrate that abandoned waste sites posed the sort of public-health threats that fit the agency's mission, EPA Administrator Douglas Costle appointed a task force, headed by

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Deputy Administrator Barbara Blum, with instructions to use the Resource Conservation and Recovery Act (RCRA) and the Safe Drinking Act to bring as many cases as possible to the Justice Department. The agency also launched a nationwide effort to discover new sites. Blum ordered regional officials to produce a list of sites in their region and to rank the ten worst—a request that inspired deep resentment among regional officials, who knew that after the headlines had faded they would be faced with the task of calming the fears of angry residents and local officials.

Despite this dissension in the ranks, the effort was a success. Throughout the course of the legislative debate, EPA released lists of new sites in many different locales. The agency warned that hundreds of "Love Canals" existed across the country. Later, when the bill appeared to be endangered by opposition from the House Ways and Means Committee, EPA worked with favorably disposed congressional staffers to compile a list of sites in each committee member's district. Even Ronald Reagan's election in November 1980 could not stop the momentum created by the "ticking time bomb" image. The bill was passed by the lame-duck Congress called into session after the election and was signed into law by President Carter in December 1980.

The 1986 Amendments

Congress reauthorized Superfund in 1986 when its weaknesses were already much in evidence. Yet the EPA failed then, and has failed to this day, to admit that the original policy design was seriously flawed and to advocate serious Superfund reform. While causing serious embarrassment, Superfund also provides the agency with vast resources and authority. Furthermore, its dubious environmental merits notwithstanding, the program has acquired a powerful political constituency.

This constituency, composed essentially of environmentalists and the waste-treatment industry, first made its presence felt during the 1986 reauthorization. Under Anne Gorsuch Burford's leadership, the EPA had gained such a reputation for ineptitude and infidelity to its legislative mandates that it could not play a meaningful role in the legislative process. The agency's abdication of responsibility enabled Superfund's constituents and their congressional allies to dominate the program's reformulation. Because their priority was to expand and strengthen the program, not to

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reconsider its premises, the chance for meaningful reform was lost.

By 1986, Superfund's liability regime had already drained all meaning from the initial Polluters Pay premise. Clearly, it would be fairer and more efficient to simply pay for cleanup from public funds. This would not take polluters off the hook. They would still have to pay for the damage they caused. But even if the liability regime were reformed so that only those truly at fault were held responsible, this would not provide nearly enough revenue to fund even a more modest program. Additional monies would be needed. By requiring Congress to set a budget for Superfund, representatives would be forced to compare the value of this program to all the other programs they want to fund. Furthermore, the establishment of a budgetary cap would have provided Superfund's implementors with a powerful weapon with which to resist demands for "Cadillac" cleanup: money spent on a particular site would reduce the money available to spend elsewhere.

Yet Congress did not even seriously consider simply putting Superfund on-budget. Instead of making Superfund cheaper and simpler, Congress did precisely the opposite. It provided greater resources, created even more unrealistic program objectives, and made Superfund officials more vulnerable to public pressure.

Acknowledging the inability of the liability regime to provide sufficient revenue, Congress chose to supplement it with a vast expansion in the size of the fund, from $1.2 billion to $9 billion. The fee on chemical feedstocks was retained and then expanded to cover imported substances as well. New fees were placed on crude oil and gasoline, with the latter reserved to establish a new cleanup fund for underground petroleum tanks. Moreover, in a major departure from the funds' previous taxing principles, a broad-based tax of $12 per $10,000 was levied on corporate income. However, this tax was designed to yield only $2.75 billion of the $9 billion total. The fund continued to be viewed as a supplement to, not a replacement for, the sums to be collected from potentially responsible parties.

The "How clean is clean?" issue, which the original Act had ignored, was addressed by requiring that Superfund sites be restored to the level of the air, water, and soil quality standards specified in various existing environmental laws. None of these standards had been written with the problem of abandoned

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hazardous-waste sites in mind. This provision simply did not take into account the extraordinary expense that would be involved in trying to restore horribly degraded locations to the high level of quality required by existing standards.

Finally, the 1986 Amendments vastly expanded public participation. The new legislation required that the public have an opportunity to participate in the selection of cleanup remedies and that technical-assistance grants be made available to citizen groups to enable them to hire their own experts to interpret risk and engineering data. And it established a citizen-suit provision enabling anyone to bring suit against the government for failure to perform adequate cleanup.

Although changes were made in the settlement procedures for the purpose of encouraging voluntary settlement, they did not alter the strict and expansive view of liability at the heart of the socialized defense. Nor were they to prove very successful either at speeding cleanup or at raising greater revenue. Any new incentives to cooperate created by these changes were countervailed by the even stronger incentives for noncooperation created by the environmental-standards requirement. If the expensive standards to be met by cleanup were foreordained, very little room remained for bargaining with PRPs about how much cleanup they would be expected to finance.

Environmentalists for waste?

In contrast to their marginal role in the original Superfund debate, environmental organizations lobbied vociferously for the 1986 Amendments. By this time, environmental groups had come to recognize Superfund's pivotal role in promoting their interests. They eagerly supported new provisions which are arguably environmentally deleterious but which serve the movement's broader political agenda.

First, environmentalists opposed the imposition of a "waste-end" tax, then under discussion as a means of funding the program. The feedstock and general business taxes that compose the fund are neutral from the perspective of inducing improved hazardous-waste treatment. A tax on the volume of waste requiring disposal would provide an incentive to produce less waste. Although environmentalists do not dispute the environmental benefits of such an incentive, they argue that it would threaten the revenue-producing capac-

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ity of the fund: less waste would mean less revenue and therefore less money for cleanup. This argument is correct as far as it goes. Still, it is striking that environmentalists, who in other circumstances trumpet "source reduction" as the most desirable form of pollution control, are willing to sacrifice an opportunity to encourage some reduction for the much less clear-cut benefit of spending more money on abandoned sites.

Second, environmentalists vociferously supported the requirement that Superfund sites be cleaned up to the levels required by existing environmental statutes. They rejected the use of a cost-benefit approach that would compare the benefits obtained by various levels of cleanup at a site to the cost of attaining those results. To obtain these high levels of cleanup, environmentalists also insisted that the agency reject the relatively cheap alternative of containment in favor of the more expensive one of treatment. Containment can often mean little more than "capping" the site, that is, leaving the noxious materials in place but preventing them from spreading onto neighboring properties or leaching into water supplies. Treatment involves the use of chemical or biochemical agents to actually make the material less hazardous. Environmentalists refer to this approach as "permanent treatment," contrasting it with the impermanence of containment. Depending on the circumstances, treatment is either done on-site or off-site, the latter requiring expensive and potentially hazardous removal and transport of the waste.

Treatment, particularly if done on-site, does have real environmental benefits. A defanged snake is less dangerous than a caged one. But the limited availability of Superfund monies, coupled with the very great number of sites, means that insisting on permanent treatment and on attainment of quality standards derived from other environmental statutes ensures that only a small number of sites will be cleaned.

Environmentalism's broader agenda

To understand why environmentalists would be willing to sacrifice environmental quality, one must recognize that their goals are not limited to environmental quality. As political scientists Michael McCann, Sidney Milkis, Richard Harris, and others have explained, environmentalists are part of a broader political reform

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movement. Milkis and Harris call this movement the "Public Lobby." Their interviews with Public Lobby activists show that

> [w]hen contemporary public lobbyists describe their activities and motivations they do so in the language of the New Left. The New Left provided both a source and a model for the Public Lobby, most of whom came to political maturity during its heyday in the 1960s.

Public Lobbyists form a self-consciously coherent group that has proved immune to the generally rightward drift of most of its generation. In addition to an anti-establishmentarian style, the Public Lobby derives from the New Left a commitment to participatory democracy and a distrust of corporate America. In Michael McCann's formulation of Public Lobby ideology, distrust borders on antipathy:

> The core of [the Public Lobby's] ideology is a critical assumption about the structure of power in contemporary American public life, namely that business corporations dominate both government and the marketplace at great costs to our social welfare and democratic principles.

Although, for the most part, Washington environmental organizations lack a genuine grass-roots base, they see their task as redesigning the structure of national policy to facilitate citizen participation. They can justly claim credit for helping to create many of the procedural reforms that do exactly that. National environmental groups also recognize the political benefits to be gained when local organizations, using many of the channels national groups have created, become politically powerful enough to help elect congressmen who share the Public Lobby point of view.

Whatever its limits as an environmental program, Superfund superbly promotes the Public Lobby's broader political agenda. Of all environmental programs, only the environmental-impact-statement requirements of the National Environmental Protection Act (NEPA) and, perhaps, the Endangered Species Act are as successful in encouraging public participation in politics and an adversarial approach to business. Superfund provokes community uproar by proclaiming that health hazards exist within the community's midst. It encourages political mobilization because its generous cleanup monies are only available to those communities that are able to get their site named to the approved federal site list. And it feeds anti-business sentiment by proclaiming that cleanup will be paid for by the polluters or by their virtual surrogate, the chemical industry.

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From the standpoint of encouraging citizen participation, it is utterly irrelevant whether or not progress is being made at the cleanup front. In fact, site cleanup is nowhere near as useful as disappointed expectations of site cleanup. The citizen-participation provisions of the 1986 reauthorization provide new opportunities for the movement to make use of administrative hearings and the courts to fan the flames of discontent. Technical-assistance grants provide money for communities to hire experts to dispute agency claims that adequate cleanup has been performed. But most valuable of all is the permanent-treatment requirement. As long as strict standards are accompanied by "free" money, regardless of whether it is reaped from responsible parties or from federal funds, the very unattainability of those standards provides an invaluable organizing tool. Unattainable and unattained standards provide citizen activists and organizers with the ammunition they need to maintain a steady barrage of criticism of the EPA and serve as a continual reminder to the affected community that it is being slighted.

Because Superfund is so valuable politically, it must be protected fiscally. It is for this reason that the environmental establishment fought against the waste-end tax and for the feedstock fee. Although the fee does not promote source reduction, it is off-budget, easy to collect, and capable of providing the steady stream of revenue that a comprehensive Superfund program requires, particularly in view of the failure of the liability regime to serve as an adequate revenue-generating device.

Lawyers and the waste-treatment industry

Along with the environmental community, the chief beneficiaries of Superfund have been the legal community and the hazardous-waste-treatment industry. No firm figures are available on how much money is spent for legal fees in Superfund disputes. However, a study commissioned by the American Insurance Association drew on recorded litigation costs to estimate that the cleanup of 1,800 sites would consume some $8 billion in litigation expenditures, 79 percent of which would be incurred by private parties. Superfund liability is, along with bankruptcy, the most important source of new business for major law firms. One estimate puts the number of lawyers actively engaged in Superfund litigation at 20,000. As long as the Polluters Pay premise remains untouched,

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Superfund will continue to produce a steady stream of revenue for corporate law firms.

The hazardous-waste-treatment industry has been similarly blessed. By any measure, hazardous-waste treatment is a growth industry. Companies in this sector are expanding rapidly; one company grew from a three-person staff to a staff of 160 in four years. Most of this growth is attributable to stringent environmental regulations and to Superfund in particular. A leading industry trade journal observed in 1987, "There is little doubt that the infusion of new EPA funding and changing regulations will keep the hazardous waste management action at near fever pitch during the next several years, at least." And a brochure for a 1989 industry convention urged prospective attendants to "win your share of the billions in profits ahead."

The waste-treatment industry's lobbying organization is the Hazardous Waste Treatment Council (HWTC). The Council does not represent all Superfund contractors. As its name indicates, it primarily represents those who perform treatment, as opposed to containment or disposal. (The HWTC broke off from the existing contractors' organization because that body also represented landfill operators. The treatment industry argues that landfills do not represent a permanent solution to the cleanup problem.)

For obvious reasons of economic interest, the HWTC has consistently lobbied for policies that would ensure a long-term, continual proliferation of Superfund sites, and it has sought to ensure that the most expensive forms of cleanup be employed at those sites. During the debates over the 1986 Superfund Amendments, for example, the HWTC lobbied fiercely—and successfully—for the abolition of a so-called "post-closure liability trust fund" that had been part of the original statute. The trust fund immunized landfill operators from liability for problems that might occur at their sites after they were officially approved as "closed." It was felt that without such a provision, the open-ended liability exposure would prevent even highly qualified potential operators from agreeing to run federally approved landfill facilities. Doing away with the fund placed liability back upon the shoulders of landfill operators and therefore created pressure for gold-plated "Cadillac" treatment, rather than disposal.

The HWTC's policy positions coincide with those of the environmental movement. As we have seen, the environmental

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movement has consistently supported an expansion of the fund, as has the waste-treatment industry. Environmentalists strongly support "permanent" treatment, as opposed to containment; so does the HWTC.

The HWTC participated in two influential joint research efforts with a broad coalition of environmental groups, including the Environmental Defense Fund, the National Audubon Society, the Sierra Club, the Natural Resources Defense Council, and the U.S. Public Interest Research Group. The results of the first effort were published in 1988 under the title *Right Train, Wrong Track: Failed Leadership in the Superfund Program*. The report—a review of EPA records of decision concerning Superfund sites in 1987—criticized the agency for its alleged failure to implement Superfund and charged that the EPA was repeating past mistakes in using containment remedies as the most common approach to Superfund sites. According to the report, the EPA was still making decisions in order to "minimize short-term expenses ... rather than treating the waste to permanently eliminate the hazard." The agency was also accused of inflating "the cost of treatment in justifying containment remedies and ... using inaccurate, outdated information to establish the cost of treatment," and of selecting "bogus 'treatment' technologies even where it has data to show that those technologies will be ineffective on the waste materials of concern."

In 1990, the same coalition—the HWTC and establishment environmental groups—reviewed the EPA's 1988 records of decision and published the results under the title *Tracking Superfund*. This report acknowledged some improvement in EPA compliance with the 1986 Superfund Amendments but complained that containment was still being used more frequently than permanent-treatment actions. As HWTC's executive director stated in a separate statement, "If Congress made one thing clear in [the 1986 Amendments], it was that remedial actions which merely contain the waste or stabilize the site are nothing more than a 'Superfund shellgame.'"

More disturbingly, the environmental movement and the waste-treatment industry have tried to block efforts to promote the reduction of sources of hazardous-waste generation. In the debates over the 1986 Amendments, both the environmental movement and the HWTC opposed the proposed waste-end tax that would, in the long

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run, have reduced hazardous waste. Similarly, the HWTC and individual waste-treatment companies have filed several lawsuits challenging EPA regulations issued under the Resource Conservation and Recovery Act that would have encouraged or at least permitted the recycling or treatment and disposal of certain substances used in industrial production, such as oil and metals. More recycling, of course, would mean less hazardous waste, and the treatment industry would rather have less of the former and more of the latter. As a former EPA counsel observed of Waste Management, Inc., the nation's largest waste-disposal company, "They're interested in having a lot of waste designated as hazardous so they can get rid of it." The lawsuits found environmental groups on the waste industry's side.

A symbiotic alliance

The cooperation between the environmental movement and the waste-treatment industry on Superfund issues is in some important respects very different from other coalitions of advocacy groups and industry. For one thing, the coalition between the environmental movement and the HWTC is not a tactical coalition; it is much more in the nature of a permanent, symbiotic alliance. This is by no means a "natural" phenomenon. Waste-treatment companies, after all, handle toxic waste. They are more prone to violate environmental standards than companies in less risky lines of business. Considering the environmental movement's stake in portraying violations of toxic-waste regulations as particularly egregious and unconscionable, one might expect relations between the movement and the industry to be rather acrimonious. This used to be the case, and some environmental groups still portray waste-management companies as villains. But, for the most part, conflict has been replaced with close cooperation largely as a result of the industry's initiatives. In 1985, Waste Management, Inc., made a strategic decision, in the words of writer Peter Carbonara, "to build bridges with the environmental groups that hector EPA to toughen its enforcement standards." To this end, Waste Management hired attorneys and lobbyists with impeccable environmentalist credentials such as James Banks, formerly an attorney with the Natural Resources Defense Council and now Waste Management's general counsel. In addition, the company made grants amounting to hundreds of thousands of dollars to environmental organizations,

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including a $135,000 grant to the National Audubon Society "to support lobbying for more stringent regulation of industrial wastes" and $117,500 to the National Wildlife Federation to be used in part "to investigate the potential for strengthening pollution control laws in Latin America."

A second respect in which the coalition between environmental groups and the waste-treatment industry differs from ad hoc, tactical coalitions between environmentalists and industry groups is, arguably, its sheer destructiveness. For the coalition partners, the benefits are obvious: By including the HWTC, environmentalists can refute the claim that they are "anti-business" and show that businessmen find their positions to be practical and commercially viable. Waste-treatment companies, on the other hand, benefit from the environmental movement's ability to foster public hysteria over exceedingly marginal risks and from the movement's undisputed public credibility, some of which rubs off on its allies. (It is the environmentalists' support that makes waste-treatment companies look different from the otherwise comparable "gold-plating" defense contractor.) Yet the policies this unholy alliance has advanced are detrimental to the very goals it purports to pursue. The waste-treatment industry and the environmental movement have decided, each for their own reasons, that the expenditure of vast amounts of money on the abatement of exceedingly marginal risks is a public necessity. They have further decided that more hazardous waste is good for the environment.

Can Superfund be fixed?

Superfund's faulty premises block improvement of the program and provide a cloak for private gain at public expense. Environmentalists benefit from the powerful boost the law gives to community-organizing efforts by instilling fear and resentment about abandoned waste sites. The hazardous-waste-treatment industry benefits from the law's bias in favor of "Cadillac" cleanup solutions. Lawyers and consultants benefit from the huge amount of business created by Superfund's highly complex liability scheme.

On the other hand, there is no natural constituency—other than the public at large—for reforming the statute. Although Superfund liability represents a major cost to the business sector as a whole, that sector has been handicapped in efforts to reform it because different provisions of the regime have very different impacts on

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different segments of the business community. Once a firm has been identified as a PRP it is in its interest to drag as many other firms, banks, and insurers as possible into the liability net. Thus, while strict, retroactive, and joint-and-several liability imposes immense and unpredictable costs on the private sector as a whole, it may also, in a given circumstance, enable a particular firm to spread the pain of cleanup payments. Therefore, up to now at least, the business sector has not been able to achieve the unity required to launch a major assault on the liability regime.

The closest business has come to overcoming this fractionalization and to forging a broad coalition for reform is a proposal by the American International Group (AIG), the largest underwriter of commercial and industrial insurance in the U.S., to circumscribe the liability regime as a whole, and to fund site cleanup by means of a broadly based tax on business. AIG proposes that the use of liability to raise funds for Superfund be abandoned and that cleanup of existing sites be paid for instead by a fund financed by a fee on all commercial and industrial insurance premiums, with a mechanism to cover self-insured companies as well. Strict and joint-and-several liability would continue to apply to all current and future waste disposal to ensure that generators, transporters, and disposers would have incentives to handle waste responsibly.

Although this proposal directly challenges the Polluters Pay premise, it makes no effort to refute Shovels First. Rather, it is presented as an effort to speed up cleanup efforts that have been unduly hampered by the delays that the efforts to recoup from PRPs inevitably impose. By confining its reform efforts to the Polluters Pay premise, the industry hopes to avoid setting off a political avalanche that would bury its most important objective—to diminish its liability exposure.

By saving the billions of dollars in losses society incurs in the effort to establish liability for old sites, the AIG proposal offers important public benefits. Yet by failing to insist on a careful evaluation of the actual danger posed by abandoned sites in general and of the specific risks posed by individual sites, the AIG scheme might actually accelerate overinvestment in toxic-waste management. On the one hand, the proposed tax would not fall on individuals and would thus perpetuate the misconception that cleanup is free. On the other hand, the proposed tax would eliminate the last remaining source of resistance to boundless Superfund spending.

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For all its inefficiency, the liability scheme at least created one constituency—the PRPs—that favored less cleanup. If the liability scheme is abolished and no other reforms force an assessment of costs and benefits, the political momentum will be in the direction of expanding the program.

Superfund can be reformed only through the same sort of political entrepreneurship that produced the current, fatally flawed regime. For several reasons, the EPA may now be in a position to tackle this task. In terms of public relations, Superfund has probably ceased to be an asset for the EPA; as noted, the agency is routinely blamed for the snail-like pace of cleanup. Moreover, the EPA knows that the public-health benefits of Superfund are negligible, and that the vast amounts of public and private resources invested in the program could be spent far more productively elsewhere. The agency even appears to be prepared to explain this to the public, and can do so if it is well-positioned politically. Over the past several years, the agency has regained a substantial amount of the credibility it had lost in the early Reagan years. At the same time, some of the public hysteria over "ticking time bombs" has subsided; the media and the public are gradually becoming aware that trace amounts of contaminants do not always constitute mortal risks, and that government actions such as the spectacular 1983 evacuation of Times Beach, Missouri—where a substance containing dioxin had been sprayed on the roads—were based on wildly inflated risk estimates.

To be sure, none of this guarantees that the EPA will exploit the existing political opening and throw its weight behind fundamental reform. Superfund constitutes a major portion of the EPA's budget; powerful constituencies will resist any reform efforts, and legislators will be reluctant to reexamine Superfund, if only for fear of being denounced as "anti-environment." In light of these circumstances, the EPA must be expected to tinker at the margins.

Top-down budgeting

Marginal changes, however, will not do. Superfund needs radical design changes—above all, top-down budgeting. Instead of allowing each individual site-cleanup decision to be made on its "merits," a fixed amount should be budgeted for site cleanup as a whole. Unlike air and water, whose movements cross state boundaries, sites do not move. Therefore, site-cleanup decisions need

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not, and ought not be made nationally. The annual budget for site cleanup should be allocated to individual states on the basis of a preestablished formula, and they should be left alone to decide how best to cope with the cleanup problems they face.

Like the AIG proposal, this scheme would end the use of the liability regime as a device for funding cleanup. However, instead of further inflating the program, it would place site cleanup on-budget and force it to compete openly with all other public programs for the revenue generated by the federal tax system. By doing away with the perception that Superfund is "free," this change in policy architecture promises to rein in Superfund's expansive political dynamic. Congressmen would have to measure the political utility of allocating money for site cleanup as compared to other competing claims on the budget. State officials could no longer successfully lobby for more money to clean up particular sites and thereby avoid making difficult decisions about how much should be spent where. Local officials would have to make hard choices about whether high levels of cleanup were really worth spending scarce municipal funds to supplement the share they receive from the state. This recognition of scarcity would provide officials at all levels with a strong defense against the calls by environmentalists and the waste-treatment industry for "permanent treatment" and for the attainment of any and all environmental standards no matter how inappropriate.

Top-down budgeting would not only enforce the exercise of political responsibility, it would likely aid civic education as well. The current Superfund regime has an Alice in Wonderland quality: the self-appointed guardians of the environment and an industry that is in a position to remedy environmental problems agitate for more toxic waste and against policies that would permit the reduction of genuine risks. Shovels First means lawyers first and shovels late or never, and the only form of "public participation" environmental advocacy groups seek to foster is the shrill demand for someone else's money, which is far removed from responsible citizen participation in a difficult decision-making process. Only if elected officials are made to face the reality of limited resources will they have an incentive to tell the public the truth and to explain that abandoned sites are not, by and large, "ticking time bombs," but just another chronic nuisance created by the same industrial civilization that produces so many benefits as well.

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Clean fuels, dirty air: how a (bad) bill became law

JONATHAN H. ADLER

IN NOVEMBER 1990, President George Bush signed into law the Clean Air Act Amendments of 1990, far and away the most sweeping and expensive clean air legislation in the nation's history. In many respects, the Amendments followed the well-traveled path of "command and control" regulation laid out by the original 1970 Clean Air Act and its 1977 Amendments. Once again, Congress tightened emissions standards for industrial plants and automobiles ("stationary" and "mobile" sources in the terms of the trade). Once again, Congress established purportedly ironclad statutory deadlines by which cities must attain the stringent ambient-air-quality standards mandated by the Act.

However, the 1990 Amendments also contained major policy innovations. Among the most significant of these is a comprehensive "alternative fuels" program. Whereas previous federal efforts to reduce automobile emissions had focused almost exclusively

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upon automakers, who were forced to meet tough tailpipe-emissions standards, the 1990 Amendments were Congress' first major attempt to reduce car emissions by setting standards for the contents and composition of motor fuels. The Amendments stipulate that motor fuels sold in the nine smoggiest cities will have to reduce toxic emissions and volatile organic compounds (VOCs) by 15 percent. Beginning in 1992, gasoline sold in cities that fail to attain the federal standards for carbon monoxide and ozone will have to contain a minimum of 2 percent oxygen.

These and other, less comprehensive, clean fuels provisions will cost an estimated $3 billion annually. Consumers will be paying more money for fuel; oil refiners will be forced to spend billions of dollars altering and refining distribution methods. However, by any reasonable estimation, these expenditures will fail to produce a significant improvement of air quality. Even the EPA's liberal accounting of the benefits of the clean fuels program could not hide this.

In this light, one must wonder how the requirements found their way into the 1990 Amendments. A desire to substitute a symbolically appealing technological "fix" for more effective but politically less palatable approaches to the clean air problem is one part of the answer. The other part is Congress' relentless effort to confer economic benefits upon powerful constituencies—even at the price of compromising environmental objectives.

The limits of clean fuels

At first sight, the quest for clean fuels may seem attractive. Various alternative fuels as well as reformulations of conventional gasoline hold the promise of reducing some harmful automobile emissions. Upon inspection, however, the case for clean fuels loses much of its appeal. The stated purpose of clean fuel requirements is to bring the most heavily polluted urban areas into attainment. Yet even under the most optimistic scenarios, clean fuel requirements cannot possibly do so. Los Angeles, for example, exceeds the federal carbon-monoxide standard by over 100 percent. Since each percentage-point of reduction in ambient carbon-monoxide levels (the amount of carbon monoxide in the surrounding area) requires roughly a two-percent reduction of carbon-monoxide emissions from cars, even the gradual replacement of the city's existing automotive fleet with clean fuel vehicles would be insufficient to

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bring Los Angeles into attainment. Similarly, the ozone-level reductions that are attainable through alternative fuels are less than spectacular. Extensive studies have shown that clean fuels programs are far from cost-effective, and only the most drastic and expensive clean fuels programs could ever produce more than marginal environmental benefits.

In part, the limited usefulness of clean fuels requirements reflects the fact that due to the law of diminishing marginal returns, today's air-pollution problems defy a standard-setting, command-and-control solution, whether the standards apply to tailpipes or to fuels. Automobile hydrocarbon emissions have already been reduced by 96 percent from their 1969 levels. Further emission reductions are difficult to attain and exceedingly expensive. Moreover, insofar as higher standards increase the sticker prices of new automobiles, they will slow fleet turnover to a sufficient extent to offset much of the benefit that might be gained from running a portion of the automotive fleet on alternative fuels.

However, a clean fuels policy is marred by another fundamental difficulty: there is no such thing as an entirely "clean" fuel. Any alternative-fuels policy will involve tradeoffs between different kinds of emissions, all of which can have a detrimental environmental impact. It became painfully clear in the debate over the 1990 Clean Air Act Amendments that a clean fuels policy, in addition to entailing very substantial economic costs, might in fact result in an overall increase of harmful emissions.

The initial impetus for a clean fuels program came from the Bush administration—in particular, from key administrators in the White House and in the Environmental Protection Agency (EPA). The administration favored clean fuels not only for their perceived environmental benefits but also because of their potential to reduce the nation's dependence on foreign oil. Far more important, though, were considerations of public perception. In an effort to make good on the promise of an "environmental presidency," the administration wanted to present a "tough" clean air bill, one that was not merely "business as usual." The administration was searching for distinctive, innovative approaches, and an alternative-fuels policy, hailed by President Bush as a "bold new initiative to reconcile the automobile to the environment," fit the bill. It had the crucial advantage of promising progress at the clean air front without imposing direct costs that consumers would recognize.

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Methanol, clean gas, and ethanol

The question, of course, was which alternative fuel. The administration's stated objective was a "fuel-neutral" approach—meaning a bill that would grant no special preference to any one alternative fuel or reformulated gasoline. However, it is inherently difficult to design truly neutral fuel regulations. Any alternative-fuels requirement must mandate either the fuel's composition or set specific emission requirements. Since all fuels generate *some* emissions, any given emission requirement will tend to be a decision for some fuels and against others.

The administration's proposal showed a pronounced bias for methanol, an alcohol fuel typically made from coal or natural gas. Methanol does promise some environmental advantages. Notably, its widespread use could reduce reactive hydrocarbon emissions anywhere from 34 to 83 percent, which could lead to a sizable decrease in smog formation. However, experts are divided on the relative environmental benefits of methanol and conventional gasoline. Methanol fails to reduce carbon-monoxide emissions over conventional gasoline, and might *increase* emissions of carcinogenic formaldehyde by five to ten times over conventional gasoline.

Moreover, methanol is quite possibly the most expensive clean fuel option. (Although methanol advocates assert that methanol can be economically competitive on a "level playing field," several studies, including one conducted by the Office of Technology Assessment, concluded otherwise.) About as expensive per gallon as gasoline, methanol provides only 70 percent of the mileage per gallon, thus reducing vehicle range and increasing fuel costs. The American Petroleum Institute (although not a disinterested observer) estimates that methanol could not be economically competitive with gasoline unless oil prices reached thirty-five dollars per barrel. Methanol is also much more corrosive than gasoline. To compensate for methanol's increased corrosivity, automobiles must be modified, increasing sticker prices by as much as $300. Still, powerful executive-branch officials—notably White House Counsel C. Boyden Gray—strongly favored the fuel. Methanol also had supporters in the EPA, especially in the Office of Mobile Sources and the Emission Control Technology Division. Because the Division conducts the EPA's research on vehicle emissions, its voice carried substantial weight.

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Not surprisingly in light of its evident pro-methanol bias, the administration's asserted "fuel neutrality" quickly came under attack in Congress. Senator James Jeffords (R-VT) commented at one of the first committee hearings on the clean fuels requirements, "Whether or not a clean fuels program can be developed which is, indeed, fuel neutral remains to be seen." Hedging their bets, industries and interest groups lined up in an attempt to modify the proposed regulatory language.

Of all the interests involved, the one with the most to lose was the oil industry. Alternative-fuels requirements had the potential to displace gasoline with a fuel for which the petroleum industry had little or no existing production capacity. However, once the administration announced its clean fuels proposal, it was clear that any legislation would contain *some* alternative to conventional gasoline. The environmental community had promptly lined up in favor of stringent limits on vehicular emissions. Richard Ayres, chairman of the Clean Air Coalition (which comprises virtually all major environmental organizations) declared before the Senate Environment and Public Works Committee that "the reductions promised in the President's clean fuels proposal should serve as the minimum cleanup objective for an alternative-fuels program." In light of these circumstances, the oil industry concentrated on limiting the scope and impact of the proposed clean fuels regulations. While emphasizing the extremely high costs of developing an infrastructure for alternative fuels and stressing that no alternative fuel could be viewed as a panacea, the oil industry made certain political concessions. Chief among them was an acceptance of some changes in the existing gasoline formula, such as reductions of aromatics or fuel oxygenation in winter to curb carbon-monoxide emissions. In short, the industry was prepared to accept a small cut in market share and a slight reformulation of gasoline to avert drastic moves towards a national conversion to alternative fuels.

Soon, though, the oil industry came to realize that its strategy of making minor concessions to avert across-the-board alternative-fuels mandates might be insufficient to stop the juggernaut that had been set in motion by Bush's proposal. Led by ARCO, the industry began to focus on the development of reformulated gasoline, and these efforts bore fruit. In January 1990, George Babikian, president of ARCO Products, informed the Senate Committee on Environment and Public Works that "Gasoline can

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be reformulated to meet equitable fuel neutral standards for today's cars, as well as for automobiles of the future ... and the fuel that can compete at the most effective cost is the fuel that ought to survive."

The implications of Babikian's testimony were clear: in contrast to alternative fuels, which would require expensive vehicle modifications, reformulated gasoline could be used in all existing conventional automobiles, thereby accelerating and increasing vehicular-emission reductions. As an oil representative observed, "If [stricter tailpipe standards and reformulated gas] are sufficient to reach attainment, then there would be no purpose to an alternative-fuels program." The promise of a "clean gas" strengthened the oil industry's hand and cemented its coalition with the auto industry, which preferred not to begin production of more expensive alternative-fuels vehicles. Reformulated gasoline suddenly represented a serious threat to alternative fuels, all the more so because the environmental movement saw reformulated gasoline as an opportunity: if reformulated gasoline could dramatically reduce the emissions of existing vehicles, it should be made to meet the most stringent "neutral" requirements possible.

On the suddenly beleaguered alternative-fuels side, ethanol had emerged as the most serious competitor to methanol. Ethanol is an alcohol fuel typically made from corn. When added to conventional gasoline, it reduces carbon-monoxide emissions by increasing the fuel's oxygen content. The widespread use of gasohol, a blend of 10 percent ethanol and 90 percent gasoline, could possibly reduce carbon-monoxide emissions by as much as 22 percent nationwide while reducing fuel mileage by only 2 percent.

However, like methanol, ethanol is substantially more expensive than conventional gasoline. Blending only 10 percent ethanol increases the cost of gasoline by as much as nine cents per gallon, despite tremendous state and federal subsidies for ethanol. And, far from being environmentally sound, ethanol may in fact be the most polluting "clean" fuel. Ethanol is more volatile than gasoline, meaning that it evaporates more quickly. The use of gasohol would increase VOC emissions by as much as 20 percent. Because VOCs contribute significantly to ozone formation, widespread ethanol use would increase urban ozone levels, hence smog. Ethanol use could substantially increase the emission of other pollutants such as carcinogenic aldehydes. Finally, ethanol use would also increase

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emissions of nitrogen oxide by 8 to 15 percent over conventional gasoline. Along with VOCs, nitrogen oxide is one of the primary components of ozone. Ethanol's tendency to increase nitrogen-oxide emissions was to become a point of great contention as the clean fuels debate unfolded.

Interest-group strategies

Despite its ability to build upon the administration's bias toward its product, the methanol industry was no political match for ethanol interests, which were far superior in terms of size, resources, and political capital. Ethanol interests were represented by a conglomerate of lobbying groups, including the Renewable Fuels Association (RFA), the Clean Fuels Development Coalition, and the National Corn Growers' Association (NCGA). Behind the RFA and the NCGA stood the Archer Daniels Midland Company (ADM), the largest domestic producer of ethanol. Although ADM did not engage in any direct lobbying in the clean air debate, it used these interest groups, and in particular the RFA, to influence the debate.

The methanol and ethanol industries were not only different in size; they also pursued very different political strategies both before and during the battle over the Clean Air Act Amendments of 1990. While methanol advocates consistently stressed the fuel's economic competitiveness on a "level playing field," the ethanol industry and ADM in particular built upon a long history of pursuing government subsidies and mandates as a means of creating a market for their product. Dwayne Andreas, CEO of Archer Daniels Midland, has described his company as "totally immersed in these government programs," and ethanol is largely dependent on agricultural subsidies and gas-tax exemptions at both the state and federal level. In the debate over the Clean Air Act Amendments, the ethanol lobby again sought to obtain regulations that would tilt the playing field toward ethanol. To ensure ethanol's viability, the industry had to ensure that regulations would not be "fuel-neutral." Accordingly, it strongly opposed across-the-board emission reductions and sought to obtain regulations that would mandate fuel *content*. Only such regulations could provide a market for ethanol and ethanol blends, and, ideally, exclude all other alternative fuels.

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The debate over alternative fuels was dominated by wrangling over the precise level of oxygen requirements. While such debates may seem esoteric, the precise level at which requirements for the oxygen content of fuels are set has significant economic and environmental consequences and may variously rule out or mandate the use of particular fuels. A blend of 90 percent gasoline and 10 percent ethanol has an oxygen content of about 3.5 percent. No reformulated or alternative gasoline can reach these oxygenation levels; the best-performing alternative product, MTBE (a methanol-derived fuel oxygenate produced primarily by oil companies), cannot attain an oxygen level of more than 2.7 percent. Thus, an oxygen requirement above that level amounts to a de facto ethanol mandate. Accordingly, the ethanol industry sought to obtain high oxygen mandates for the geographic areas that would be subject to clean fuels requirements—that is, areas that fail to attain the federal standard for carbon monoxide (typically, during the winter months) and those that fail to attain the federal ozone standard (typically, during the summer).

The ethanol industry managed to persuade the Senate Environment Committee to insert in its draft of the bill a requirement that gasoline sold in carbon-monoxide nonattainment areas contain a minimum oxygen content of 3.1 percent during the winter months. The committee made little effort to disguise the fact that this was a de facto ethanol mandate, stating that "In the absence of other avenues through which to encourage domestically produced ethanol to enter the fuel stream, this [3.1-percent oxygen requirement] is necessary."

At the committee's hearings in January 1990, the oil industry and methanol lobbyists attacked the 3.1-percent oxygen mandate as a gift to the ethanol industry. ARCO's Babikian complained that the 3.1-percent requirement "virtually gives an ethanol mandate." Methanol advocates pointed out that "the overall benefits of oxygen are not linear"; emissions do not decrease proportionately with increasing oxygen content. Despite these objections, the 3.1-percent mandate for carbon-monoxide nonattainment areas was retained in the bill.

In February, Senate leaders and administration representatives met to resolve the major differences between the Senate committee bill and the White House proposals. (The administration deemed the Senate committee bill too costly for reasons unrelated

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to the alternative-fuels provisions.) The ethanol mandate for carbon-monoxide nonattainment areas emerged unscathed from the negotiations and was inserted in a compromise bill, which also included provisions for ozone nonattainment areas that would require the introduction of reformulated gas.

Senate leaders pledged that they would support the compromise—described by Senate Minority Leader Bob Dole as "the single most important piece of legislation we'll deal with this year"—against any and all amendments that would either weaken it or prompt a presidential veto. Senator John H. Chafee, ranking Republican on the Environment Committee, observed that the threat of a veto placed him and other environmentalist senators "in the awkward position of voting against" environmental provisions that they otherwise would have supported.

The Daschle Amendment

After the bill reached the floor, only one substantial amendment concerning alternative fuels passed, and it did so despite the fact that it could raise total consumer costs by several billion dollars and was not supported by the administration. The amendment, proposed by Senator Tom Daschle (D-SD), set formula requirements for the reformulated gasoline to be used in all vehicles in the nation's nine smoggiest cities, including a year-round oxygen requirement of 2.7 percent by 1994 in those areas. This was essentially a mandate for ethanol use in ozone nonattainment areas, in addition to the 3.1 percent mandate for carbon-monoxide nonattainment areas already in the bill. While gasoline blended with MTBE can occasionally reach the 2.7 percent oxygen requirement, it cannot do so consistently. Since the Daschle Amendment required an average oxygen content of at least 2.7 percent, it effectively eliminated MTBE as a fuel additive, since MTBE would often fail to reach such a standard.

The Daschle Amendment was supported by a few senators who hoped to break the Senate-administration deal and to prompt a veto. This was not an unreasonable expectation. Concurrent with the Senate's consideration of the Daschle Amendment, the House Energy Committee rejected an almost identical provision by a narrow 21-22 vote, in large part because of strenuous opposition by the Bush administration and the oil industry, which contended that the

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provisions would raise consumer costs by $100 billion, increasing gasoline prices by as much as twenty-five cents per gallon.

However, what helped the Daschle Amendment over the hurdle was a coalition of environmentalist and farm-bloc votes. Environmentalists had attempted other revisions of the bill on the Senate floor, including one amendment that the Sierra Club labeled the "Key Environmental Vote of 1990," but had met with no success. The Daschle Amendment, in contrast, gained the support of the farm bloc, led by Senator Dole, who saw the expansion of ethanol use as a boon to midwestern farmers. With the support of the ethanol-environmental coalition, the amendment was passed despite opposition from the White House.

The same coalition showed similar strength in the House. In late 1989, the House Energy Subcommittee on Health and the Environment, chaired by Congressman Henry Waxman (D-CA), had slightly weakened the alternative-fuels provisions of the Bush proposal in an attempt to reduce the bill's bias in favor of methanol. The following spring, Congressman Bill Richardson (D-NM) sought to restore alternative-fuels provisions in the full Energy Committee that were even more stringent than those pushed by Daschle in the Senate. After losing a vote in the Energy Committee, Richardson brought his proposal to the House floor. When the committee reported the bill to the full House in May, key farm-bloc votes, like those of Edward Madigan (R-IL) and Terry Bruce (D-IL), joined the environmentalist votes in supporting the measure, giving the ethanol-environmental coalition the force to carry the day. Fearing the prospect of losing a floor fight that might have produced a provision as bad as (or worse than) the Daschle Amendment, a compromise was struck between opponents of the amendment, led by Energy Committee Chairman John Dingell, and the ethanol-environmental coalition. As a result, oxygen requirements similar to those in the Senate bill were inserted into the final committee amendments to the bill.

Although the House and Senate bills passed by impressive margins, the differences between the bills had to be reconciled. In the joint Senate-House Conference, ethanol interests suffered a mild setback, both because the closed conference is less accessible to lobbying interests and because the environmental drawbacks of ethanol had received increased attention. The joint Senate-House conference agreed upon requirements of 2.0 percent minimum

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oxygen content in ozone nonattainment areas year-round, and 2.7 percent minimum oxygen content for carbon-monoxide nonattainment areas during the winter months. In addition, the bill featured a so-called "no net NOx [nitrogen oxide] increase" provision that had been included in the Senate but not the House bill. In recognition of the capacity of nitrogen-oxide emissions to increase the formation of harmful ozone gases, the Senate bill stipulated that notwithstanding the nominal fuel-oxygenation requirements contained in the bill, the oxygen content of fuels sold in ozone nonattainment areas was not to exceed the point at which nitrogen-oxide emissions would increase. The EPA was authorized to define that level. Further, the Senate bill contained a "waiver" providing the EPA with the authority to reduce oxygenation requirements for both carbon-monoxide and ozone nonattainment areas if compliance with the full statutory standards would hamper other attainment efforts. This provision, too, found its way into the final bill.

Both the "no net NOx increase" provision and the waiver were obviously detrimental to ethanol interests. An unfavorable finding by the EPA with respect to ethanol's contribution to nitrogen-oxide emissions, VOC evaporative emissions, or toxic emissions could eviscerate statutory ethanol mandates. However, in order to placate ethanol interests and their congressional patrons, the conference bill contained a so-called "oxygen credits trading program" for carbon-monoxide and ozone nonattainment areas. Under this program, producers of gasoline with an above-minimum oxygen content can acquire so-called "oxygen credits" and sell them to retailers of gasoline containing a lower percentage of oxygen. In practice, ethanol producers will be the only beneficiaries of this program, since they alone can raise oxygen content above 2.7 percent.

Ethanol's last stand

The Clean Air Act Amendments of 1990 passed by both chambers of Congress and signed into law by President Bush on November 15, 1990 contained no coherent clean fuels policy. Torn by interest-group conflicts, Congress avoided a conclusive decision for or against any particular alternative fuel. The requirements for ozone nonattainment areas permit the use of a variety of alternative fuels or, for that matter, reformulated gasoline. The 2.7-percent oxygen-content requirement for fuels sold in carbon-monoxide nonattainment areas during winter is, to all intents and

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purposes, an ethanol mandate; but the EPA can either raise the standard to 3.1 percent or allow state authorities to reduce it if it finds that compliance with the full standard would hamper other attainment efforts. Similarly, the definition of "no net NOx increase" oxygenation levels, which has a profound impact upon the use of particular types of alternative and reformulated fuels, was left to the EPA, as was the definition of trading parameters for the oxygen credit program.

Left with the difficult task of finding a politically acceptable solution, the EPA decided to address the issues Congress had failed to resolve not through an ordinary rule-making proceeding—the result of which would surely be challenged in court and entangled in years of litigation—but through a less formal process known as regulatory negotiation, or "regneg." EPA officials, interested industries, representatives of the states, and the environmental community met in a series of negotiations for the purpose of drafting mutually agreeable regulations, and they signed an "Agreement in Principle" to abide by and uphold the regulations.

The regnegs, like the preceding legislative debate, revolved around the precise oxygen-content requirements. After the conference negotiations between the House and Senate, concerns had again arisen over increased nitrogen-oxide emissions due to mandated high oxygen contents. Environmental advocates and state air regulators sought to ensure that fuel sold in carbon-monoxide nonattainment areas would not contribute to ozone formation. The ethanol industry, on the other hand, was concerned with maintaining its advantages—principally, by maximizing its ability to acquire oxygen trade credits that could be sold to fuel producers who fail to meet the standards. Ethanol supporters pushed for a maximum allowable oxygen content of 3.5 percent.

A level of 2.1 percent oxygen content is generally considered safe for nitrogen-oxide purposes, and the regneg participants set the maximum oxygen content for gasoline sold in ozone nonattainment areas at that level. However, since comprehensive studies had shown that MTBE would result in no net nitrogen-oxide increase even at its maximum level of 2.7 percent, the EPA proposed defining the "no net NOx increase" oxygen level as 2.7 percent for MTBE and 2.1 percent for other additives, until further research demonstrated otherwise. This did not sit well with the ethanol lobby, which had not fought for a high oxygen standard in

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ozone nonattainment areas merely to hand over a comparative advantage to the producers of MTBE, an additive approximately 20 percent less expensive to produce than ethanol. Ignoring the ethanol industry's threat to walk out of the regnegs over the issue, the regneg participants left the maximum oxygen levels at 2.7 percent for MTBE and at 2.1 percent for non-MTBE oxygenates.

In response, the ethanol industry staged an end-run around the regneg process. Whereas the regneg participants had previously eschewed the use of political leverage to influence the negotiations, the ethanol industry now solicited a letter from Dole, Daschle, and twenty-five other senators—primarily from farm states—to EPA Administrator William Reilly. The senators charged that the proposed definition of "no net NOx increase" would "jeopardize future clean air efforts by marginalizing fuel additives or formulations about which little is known" (i.e., ethanol). The senators further complained that giving state regulators authority over credit-trading programs would violate Congress' intent, inasmuch as "the credits trading program is essential to encouraging the use of fuels with a higher oxygen content in the marketplace."

The pressure was effective. In August 1991, EPA Assistant Administrator William Rosenberg presented ethanol representatives with a compromise that would presume that oxygen contents up to 3.5 percent will not cause an increase in nitrogen-oxide emissions, except during the summer months of ozone nonattainment. This compromise is highly advantageous to ethanol producers and to ADM in particular. ADM produces ethanol only during the winter; during the summer its plants are used for corn syrup production. Under the announced compromise, ADM will be able to produce and sell high-oxygen ethanol during the winter, accrue oxygen credits, and sell them during the summer, thus ensuring a year-round revenue stream. Whether the compromise is equally beneficial to the environment is much less clear: any fuel with a 3.5 percent oxygen content will almost certainly cause an increase in NOx emissions.

Under the 1990 Clean Air Act Amendments, gasoline sold in ozone nonattainment areas must have a Reid Vapor Pressure (RVP, the standard measure of fuel volatility) of nine pounds per square inch. The reason for this requirement, in the words of the Senate Committee on Environment and Public Works, is that "evaporative

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hydrocarbon emissions ... are now the most significant source of vehicle hydrocarbon emissions during the summer, when ozone formation is at its peak." However, ethanol is far more volatile than gasoline. Accordingly, the Amendments *relax* the volatility requirement for fuels containing 10 percent ethanol. The Senate Committee on Environment and Public Works helpfully explained that without this exemption, the costs of producing ethanol-blended fuel that could meet RVP standards "would likely result in the termination of the availability of ethanol in the market place."

The RVP exemption shows that legislators were prepared to go to extraordinary lengths to create a market for ethanol, regardless of the environmental results. Many other examples exist. The oxygen standards, the credit-trading program, the definition of "no net NOx increase" in the EPA's "simple model"—all were driven almost exclusively by political considerations. The result was a regulatory regime of mind-boggling complexity, a web of standards, mandates, requirements, and timetables that is incomprehensible to all but a handful of bureaucrats and to the representatives of the interests being served. Attached to this comprehensive management plan, for the sole benefit of certain industry interests, is an "oxygen credit trading" program, which is proudly presented as evidence of regulatory flexibility and incentive-based regulation.

There is something vaguely comical about this triumph of symbolism and subsidies over substance. What is one to say when legislators identify the precise level of oxygen mandates sufficient to purchase the votes of the farm bloc—and manage to pretend that decisions over a few tenths of a percentage point of oxygen content are decisions for or against clean air?

A missed opportunity

The clean fuels debacle is particularly unfortunate because the Bush administration had a unique opportunity to reform clean air regulation, including the regulation of mobile-source emissions, in a manner that would produce greater results at much lower cost than was possible under the convoluted command-and-control regime of the old Clean Air Act. In contrast to the authors of the original Act, the Bush administration had the benefit of twenty years of experience with federal clean air legislation and was in a position to know what would work and what would not work. It knew that an overwhelming portion of air pollution from mobile

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sources was produced by relatively few automobiles. It knew that uniform, nationwide emission and technology standards were a singularly inefficient way of cleaning the air. And it knew that a further tightening of technology standards would produce, at best, marginal environmental benefits, while imposing staggering economic costs.

In contrast to the Reagan administration, the Bush administration had (at the time) sufficient credibility on environmental issues to propose effective and relatively inexpensive approaches to regulation of "mobile sources" without being immediately accused of weakening environmental regulation. A scheme to speed fleet turnover and to target heavily polluting vehicles for reductions would have been one approach. (Only now, long after the passage of the Clean Air Act, has the administration proposed a variation of this approach in the form of a so-called "clunker" program aimed at getting older, heavily polluting vehicles off the road.) A somewhat more ambitious approach would have incorporated emission fees. Various fee systems had been proposed by economists, and the technologies to implement an unobtrusive system exist. During the Clean Air debate, they were even demonstrated in front of the Rayburn Senate Office Building. And, if clean fuels are as clean as their supporters maintain, they would have benefited from an emission fee system: the cleaner the car, the smaller the fees for driving it.

But such proposals would have met with political opposition and would have required the administration to tell the American people the truth about air pollution—that perfectly clean air everywhere is a political chimera; that even the amount of clean air realistically attainable does not come for free; and that mobile-source pollution has much more to do with our personal habits than with inadequate technology or greedy "corporate polluters." Instead of facing these obstacles, the administration made do with the existing convoluted and inefficient regulatory scheme, tightened it at the margin, and superimposed upon it a superficially attractive technological "fix."

Technology requirements, though, even when introduced with the best of intentions, are bound to become political footballs. Any given technology will involve difficult trade-offs among environmental, economic, and other considerations. Only under the rarest of circumstances will one technology be clearly and uniformly preferable to all others. The political and economic stakes, on the

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other hand, are quite clear, and they will naturally predominate. Thus, once the clean fuels mandates were introduced, environmental considerations receded into the background; constituency service became the overriding concern. By promising, once again, that technology will solve the intractable problems of air pollution, the clean fuels program perpetuates a misconception that has long precluded a sensible public debate about air pollution.

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Public-housing perversity: a view from the trenches

PAUL H. MESSENGER

ONE OF THE building blocks of Jack Kemp's reform efforts at the U.S. Department of Housing and Urban Development (HUD) has been the promotion of home-ownership and resident management for public-housing tenants. In the way of these reforms, however, is a major stumbling block: the Brooke Amendment.

Economists have long observed that if you want more of something, you subsidize it. If you want less, you tax it. The Brooke Amendment to public-housing law has had the effect of subsidizing non-employment and welfare dependency. It has had the corresponding effect of taxing employment and initiative. The Brooke Amendment played an important role in changing public housing from an upward-mobility program to a welfare program.

The seeds of public housing's failure were planted in the Housing Act of 1949, which introduced the so-called "gap requirement," stipulating that public-housing rents be at least 20 percent below local market-rate rents and that "over-income" tenants be evicted. The problems of public housing were compounded two decades later with a 1968 regulation called "Tenant Selection and

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Assignment Policy," which required public-housing authorities (PHAs) to date and time all new applications for housing and to take them on a first-come, first-served basis. Prudent tenant-selection criteria, which had generally screened out dysfunctional and destructive families, were no longer even legal. In a variation of Gresham's Law (whereby employment incomes are displaced by the public dole), the emphasis of public-housing policy shifted from the working poor to the welfare poor, and the pattern has remained ever since.

As state and local control over admissions and occupancy of public housing were effectively removed, what had started out as federalism became federalization, and public housing was transformed into a network of federally funded colonies. Far too many public-housing developments—once the way out of the slums—were turned into slums under twenty-four years of rule by Congress, the Department of Housing and Urban Development, and a blizzard of federal court decisions.

The influx of families on public assistance or with very low incomes—who typically paid quite modest rents—reduced the operating income of PHAs, while late-1960s inflation and the energy crisis drove their operating costs off the charts. The only way for PHAs to stay solvent would have been to charge more rent, but this eventually became unacceptable to Congress.

Brooke Amendment basics

It was at this point that then-Senator Edward Brooke of Massachusetts decided that public-housing tenants should be insulated from the rents public-housing authorities had to charge to sustain operations. What we call the Brooke Amendment is actually a series of three legislative amendments enacted from 1969 to 1971. For the thirty years before Brooke, public-housing operations were mostly self-sustaining, collecting rents to manage day-to-day operations while the federal government absorbed capital investments through tax-exempt bond issues. After the Brooke Amendment, however, operations would no longer be self-supporting.

The Brooke Amendment requires that public-housing tenants not be charged rents exceeding 30 percent of "adjusted monthly income" or 10 percent of gross income, whichever is greater. (Experience has shown that the 10-percent-gross calculation is seldom the greater amount and usually is so only for senior citizens

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who have extraordinary medical expenses. For instance, a handicapped elderly man with an annual income of $8,946 and medical expenses of $8,250 would receive an automatic exclusion from his gross income of 3 percent for his handicap along with a $400 "elderly exclusion." On 10 percent of gross he would pay $75 per month, while 30 percent of "adjusted income" would be only $14 per month.)

To calculate a tenant's "adjusted" rent, the Brooke Amendment provides for a series of exclusions from gross income. These include dependent allowances for all family members under the age of eighteen, or over eighteen if handicapped, disabled, or full-time students. This allowance is currently $480 per dependent. (Note the incentive structure: in welfare, the more dependents the higher the grant; in public housing, the more dependents the lower the rent and the larger the unit.) In addition, there is a child-care exclusion for the "reasonable" costs of caring for children while the adult is either employed or attending school full time. But there is no allowance for care if, in a two-parent family, one adult works while the other stays home. For the elderly, as indicated above, there is a $400 personal exemption in addition to exclusions for predictable medical expenses; the disabled receive an income exclusion of 3 percent plus any medical or prosthesis expenses.

Utility allowances must also be reckoned into the calculation. the Brooke Amendment requires that tenants pay no more than 30 percent of adjusted income for rent and utilities. In those housing developments where the tenants pay their utilities directly, they receive a utility allowance which is deducted from their adjusted rent. This deduction often results in the anomaly of negative rents. Consider an AFDC mother with two children who occupies a three-bedroom unit. She receives the local AFDC grant of $334 per month, or $4,008 annually. She receives the exclusion of $960 for her two dependents. She has an adjusted annual income of $3,048, or $254 monthly, so at a 30-percent rate her rent would be $76 per month. However, the three-bedroom unit she occupies gets a utility allowance of $85 per month, which when deducted from the rent leaves a $9 credit. The $9 check is sent to her each month as a Utility Adjustment Payment (UAP), and she pays no rent. Curiously, although the rent is tied to the family income, the utility allowance is tied to the actual housing unit. Here in Akron, Ohio, where I am executive director of the Akron Metropolitan Housing

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Authority, we are sending Utility Adjustment Payments averaging $23 each to 15 percent of our public-housing tenants. In the Section 8 Certificate and Voucher programs, where Brooke also applies, we are sending UAPs averaging $30 to nearly 40 percent of families.

In fact, it is possible for a family on AFDC to be subsidized for utilities many times over: not only through the Brooke Amendment calculation, but also through the AFDC check, through energy-efficiency improvements made by the PHA, through the Low-Income Energy Assistance Program, and through lenient forgiveness or payback policies of local utility companies. Each time the AFDC payment goes up a tick, rents and UAPs are adjusted accordingly. There are always tenants who—overlooking the fact that they are getting housing for free—will complain bitterly because their UAP check has been reduced.

The Brooke Amendment formula for calculating public-housing rents incorporates two conditions completely alien to any market logic: there is no floor and there is no ceiling. Since the implementation of Brooke, rents have ceased to have any relation to the size and condition of the housing units, but instead are based on the size and financial condition of the family.

Compared to the AFDC mother discussed above who receives $9 a month to live with her two children in a three-bedroom unit, a family of two adults and one child (with no child-care exclusion) on a $9,000 minimum-wage income pays $149 per month for just a two-bedroom unit. Another family of one adult and two children, with an annual employment income of $16,000, receives two deductions for the children, takes the child-care exclusion, and pays $94 per month for a three-bedroom unit. In the latter case, without the child-care exclusion, the rent would have been $289 per month.

Public-housing tenants with working incomes pay a premium compared to their welfare neighbors. No matter how much they earn, rent will be charged on 30 percent of their current income and 30 percent of any increases, without limit, and without regard for the size, age, or condition of the unit. It bothers most of us in public-housing administration that we have to send out UAP checks to people being housed for free. Having to raise the rents of working families to ever-higher levels should bother us as much.

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The era of operating subsidies

The Brooke Amendment created a predictable upheaval among public-housing authorities in the 1970s. Unable to collect sufficient rents to manage their properties, many saw their reserve accounts wiped out and their operations going downhill. They were and still are accused of poor management and fiscal imprudence. Some agencies refused at first to implement Brooke and were later the target of successful class-action suits that required retroactive cash payments to current and former tenants.

As Congress and HUD realized that property could not be managed on rents reduced by as much as 80 percent—or even eliminated entirely—they ushered in the era of operating subsidies. There already had been some comparatively moderate operating subsidies introduced in the 1960s for senior citizen buildings, displaced families, and "special families" (i.e., unusually large families and those on AFDC). In 1969, before the Brooke Amendment, these subsidies amounted to $12.6 million per year nationally. After Brooke, operating subsidies went ballistic.

Congress, as Irving Welfeld writes in *Where We Live*, "came face to face with the ultimate horror—an open-ended authorization that it could not sweep into the future." Operating subsidies are on-budget and are disbursed in the year in which they are appropriated.

Between 1969 and 1972, annual national operating subsidies, now based on the Brooke Amendment, went up from $12.6 million to $103 million. By 1982 appropriations had jumped to $1.3 billion and are currently running at $2.45 billion. These huge increases are partly explained by the addition of more public-housing units over those years, which in turn led to more operating subsidies. The number of public-housing units doubled from 700,000 in 1969 to about 1.4 million at the end of 1991. However, the increase in units would hardly account for the massive increase in public-housing operating subsidies that occurred. A more accurate explanation might be the exponential increase in the number of tenants on AFDC, along with the increasing priority given to housing the lowest-income families (as opposed to working-poor families) in

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public housing. These policies, combined with the Brooke calculation, led to lower rents and higher subsidies.

Penalizing the wrong renters

The operating budget of a public-housing authority consists partly of rents and partly of operating subsidies from HUD. The rent-to-subsidy ratio of some PHAs is as low as 20 percent rent and 80 percent subsidy. The rent roll plays a large part in driving the level of subsidy: roughly a dollar more of rent results in a dollar less of subsidy.

For families with working incomes, each three dollars of additional income earned means an additional dollar of rent, hence, a dollar less of subsidy for the PHA. Through this formula working families are effectively subsidizing non-workers in public housing. Again, consider the welfare mother with one child who pays $10 per month for a two-bedroom apartment after the dependent deduction and utility allowance are taken into account. Next to her is a family of two adults and one child with a working income and no child-care exclusion; they pay $304 per month after the utility allowance for their two-bedroom apartment. The average monthly operating expense per unit in Akron is about $245. Thus, the working family is absorbing the actual operating cost plus contributing $59 toward the $235 subsidy needed for the welfare mother. Try explaining to the members of a working family why their rent is $304 a month while the tenant next door, in exactly the same kind of unit, pays only $10. It is even worse if the tenant next door pays nothing and gets a utility check each month.

The same rent structure hits elderly public-housing tenants on fixed retirement incomes. An elderly lady with an income of $4,904 annually from Social Security and survivor benefits pays $123 per month for a one-bedroom high-rise apartment (utilities are included). A welfare mother with three children, receiving an AFDC grant of $4,956 annually (that is, about the same income as the elderly lady), pays no rent and receives a utility check of $12 monthly for a three-bedroom apartment. For a more striking contrast, consider an elderly gentleman with income of $18,000 from social security and a military pension who pays $446 per month for an efficiency apartment.

Before the Brooke Amendment, the elderly normally paid less rent than families because of unit-based rent setting. In the late

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1960s a one-bedroom senior-citizen unit would have cost about $63 per month, utilities included. The three-bedroom unit would have been about $89 plus utilities. In adjusted dollars those amounts would currently be $158 and $223 respectively. Since Brooke, and because of income-based rent setting, the elderly now pay higher rents than welfare families so that they also subsidize welfare recipients in the rent/subsidy formula. It is a perverse Robin Hood who steals from the working and elderly poor to give to the welfare poor.

Encouraging dependency

A look at the rent roll of the Akron Metropolitan Housing Authority shows a total of 951 individuals with employment incomes among the residents of 3,600 family public-housing units (i.e., excluding units for the elderly), which adds up to a working population of 26 percent. However, after further adjusting for families with more than one working income, the actual number of households with employment income is something less than 20 percent. Of course, the count includes only those who actually report their working income.

Working residents of public housing are old-fashioned enough to think they should be paid for their work and keep what they earn. As in the welfare system, in public housing there is a powerful temptation to conceal income to keep the PHA from taking one-third of it away. When discovered, unreported income leads to some penalties for residents who have joined the work force, as we keep urging them to do. Some get evicted, some are hit with retroactive rent bills, some are even prosecuted for fraud, and some just quit their jobs and give up. If we are serious about encouraging employment and upward mobility for public-housing residents, this is not the way to go about it.

Jack Kemp has repeatedly criticized the welfare system for its tendency to discourage work and promote dependency. According to his estimates, the marginal tax rate on a welfare family whose head-of-household moves on to employment can be as high as 150 percent. Thrift is not only discouraged but prohibited. Kemp often tells an anecdote about a lady who scrimped and saved on her welfare check to send her child to college, only to be prosecuted and fined by the welfare system for her efforts.

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The Brooke Amendment, which turned public housing into a welfare program, sends the same message: that we will subsidize people unwilling to help themselves; that we don't want to continue helping tenants who refuse to remain dependent; and that we will punish those who try to break out of the trap.

How fair are Fair Market Rents?

When we talk with public-housing residents about employment, homeownership, and entrepreneurial ideas, we get two questions: "What about my babies?" and "What about my rent?" The first question expresses the fear of losing medical benefits when leaving welfare for employment. The Family Support Act of 1988 took a major step in the right direction through the JOBS program, and particularly through the transition benefits provided under Title III of the Act. In the welfare-to-work move, JOBS participants are allowed an additional year of free child-care benefits (which are later paid for by the employee on a sliding scale). More important is the extension of medical benefits for a six-month period, renewable for an additional six months if certain qualifications are met. But we have no answer to the question of what happens to the rent of a public-housing tenant on AFDC who finds work. Under the Brooke Amendment, the tenant's rent just keeps going up.

Congress and HUD have attempted to modify the perverse incentives of the Brooke Amendment, but their efforts have amounted to little more than tinkering. Congress amended the Housing Act in 1987 to allow for ceiling rents. Theoretically, ceiling rents would put a cap on the rents of income-earning families. Practically, however, families with rising earnings must continue devoting 30 percent of their income to rent with no realistic ceiling.

Two years after the legislative amendment, HUD issued a "Policy Notice" in the *Federal Register* to implement the ceiling-rent option. The policy statement provides two methods of calculating ceiling rents and a limiting condition which either method must meet. The first method is simply to use the current Fair Market Rent (FMR) as presently calculated for the Section 8 Existing Housing Certificate program. However, this is a distinction without a difference, since market rents have increased dramatically over the years. For twenty years, all the pressure on Section 8 FMRs has been upward. All the interest groups—includ-

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ing landlords, real-estate organizations, and low-income-housing advocates—have a vested stake in ever-higher rents. Even PHAs themselves have a stake in higher rents, since their administrative income is calculated against the base of the two-bedroom FMR: the higher the FMR, the higher the income.

The General Accounting Office occasionally threatens to conduct a study of the FMRs, but there has been little downward influence on the rents for Section 8. What pressure there has been has focused on reducing the administrative fee to the public-housing authority, while keeping FMRs themselves comfortably intact.

Unrealistic ceiling rents

To illustrate what the statutory Section 8 FMR might mean as a ceiling rent, consider a public-housing mother in Boston working at minimum wage or perhaps a little better. How much of a favor would we be doing her by capping the rent on her two-bedroom public-housing unit at $900 per month? Or, in Washington, D.C., at $830 per month? Or, in New York, at $659 per month? Rents such as these, common in major metropolitan areas, are no ceilings at all. They are so high as to be irrelevant to the population we are supposedly attempting to help. Even FMRs in lower-cost cities have no market comparability to public housing: consider the ceilings in Atlanta ($576), Baltimore ($571), Cincinnati ($467), Pittsburgh ($456), or Kansas City ($451).

There is a second method available in those cases where Section 8 FMRs appear too high. This method allows for the public-housing authority to conduct a local comparability study to set rent levels based on unsubsidized private housing in the market area. The policy statement phrases it this way: "PHAs should use private rental housing of similar age, location, condition, amenities, design, and size in the same market area." Ironically, most units selected for such a study would already have been included in the analysis that produced the inflated Section 8 FMRs. Furthermore, as a practical matter, there often *is* no valid market comparison using current rules: The only housing comparable to public housing in too many areas is other public housing, much of which is thirty- and forty-year-old, brick-and-block, high-density construction representing the least desirable housing in the market.

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The law further stipulates that "ceiling rents may not be less than the average monthly amount of debt service and operating expenses attributed to units of similar size in public-housing projects owned and operated by the PHA." This may not be a simple number to derive, particularly for the older developments where memories have dimmed and documentation has been officially retired.

The more important question, however, is the reasonableness of this restriction. Fifty years ago the cornerstone of the public-housing program was the federal government's action to retire bond indebtedness for development and construction, while the public-housing authority would manage its operations from rents collected. The self-sustaining provision, of course, was eliminated by the Brooke Amendments.

The restriction now swings the pendulum too far the other way by requiring tenants to pay for both debt service and operating expenses. Oddly enough, after twenty years of tying the rent to family income, the ceiling-rent amendment turns the clock back to reestablish the unit as the standard, but *doubles* the burden by adding debt service into the rent calculation.

The ceiling-rent amendment as it currently stands is designed to do nothing more than give the appearance of change without actually changing anything. The few PHAs that have attempted to implement it are uniformly persuaded that it is not worth the effort.

New homeownership helps

The National Affordable Housing Act of 1990 authorized a 10-percent disregard on earned income along with another increase in the dependent allowance from $480 to $550 and medical deductions for the non-elderly. However, these provisions are conditioned on HUD requesting additional appropriations to pay for them and the Department has indicated no interest in boosting appropriations further.

One new HUD approach is called the Family Self-Sufficiency (FSS) program. The FSS requires that families agree to take various steps toward upward mobility and that the public-housing authority round up all the necessary support services, i.e., job training and placement, family counseling, budgeting, and so on. Another FSS provision requires that the PHA establish and man-

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age escrow accounts on behalf of the families. Into these accounts would be deposited a 10-percent share of any rent increases the family experiences as a result of increasing income through employment. If the family fails to jump through all the required hoops, it forfeits the escrow funds. The program is administered with each family through a five-page contract and an escrow analysis worksheet that would do a CPA proud. Still, HUD deserves credit for trying to do the right thing, albeit in a modest way.

Ultimately, the federal government should build on existing voucher programs championed by the Reagan administration in the 1980s. The $2.45 billion currently spent each year on operating subsidies to 1.4 million units of public housing could be used instead to give partial housing grants to millions more low-income families and individuals. But no sweeping reforms are likely to come from the present Congress. In the meantime, the question remains: Are we serious about helping public-housing tenants move up and out? If we are, then we should stop penalizing those who try.

Homeownership, as Kemp has repeatedly declared, can be one of the linchpins of independence from the welfare system. With homeownership as the central theme, there are simple and effective ways we could help public-housing tenants move in that direction, at least as an interim step. Rather than tying public-housing rents back to the size of the units, as the current ceiling-rent rule requires, they could remain tied to family income. The ceiling rent could be set in one of three ways:

1. The average per unit rent in the development where the family currently resides for units of the size the family occupies.

2. The average per unit rent for all developments owned and managed by the public housing authority.

3. The average per unit actual expenses for the Public Housing Authority, excluding debt service.

None of these methods would require any fancy formulas, miles of red tape, or costly comparability studies. Each would be simple and straightforward to administer and could be based on the most recently audited financial statements of the agency. The 1987 ceiling-rent provision provides a window period of three years eligibility for the cap. That should remain the same. To help pay for establishing ceiling rents, we should put a floor or a minimum rent at the lower end. Even if we did nothing more than eliminate the Utility Adjustment Payments and set those rents at zero, we could

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provide additional assistance for working families and reduce the current inequities between them and welfare families. The connection to homeownership would be participation in a bona fide homeownership counseling program as a condition of continued eligibility for the new ceiling-rent arrangement. Many such programs exist or could be modified to suit the homeownership objectives. Homeownership "tracks" could be sponsored by the PHAs, non-profit agencies, financial institutions, welfare agencies, real-estate boards, or local government Community Development Block Grant funds.

Key to the homeownership strategy would be the deposit of exception income—the increment between the new ceiling and what Brooke would have required—into trust or escrow accounts restricted to later use for a home purchase. However, we should not require that the *entire* amount be escrowed. People work and earn for a variety of reasons and by totally restricting earned income we could remove some of the earning motivation families may have in relation to other amenities. The saving formula should be at least partly a family decision: the more family members set aside, the sooner they can get into their own home.

Clarity of goals should be stressed: if the agenda is to get families off welfare dependency using homeownership as the carrot, it should not matter *what* housing they eventually buy. The housing universe should extend to the public-housing unit they currently occupy, another public-housing unit owned by the PHA, or any other affordable housing on the private market. There are no doubt many public-housing occupants who would like their own homes, but would also like to get out of public (or formerly public) housing. For many, the departure from the public-housing arena might be as compelling a motive as the ownership of their own homes.

If we sincerely believe in work and productive behavior and upward mobility for lower-income families, we should stop confiscating their earnings. With $2.45 billion dollars in public-housing subsidies floating around, we can afford to devote some funds to helping those families who are trying to do things right.

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